

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Poland

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1 Measures taken by government/public authorities

1.1 Poland - legal framework on preventing and combating epidemics and natural disasters

The state's actions related to preventing and combating epidemics and natural disasters are regulated by several acts of different ranks, including:

- the Constitution of the Republic of Poland of 2 April 1997
- Act on the state of natural disaster
- Act on preventing and combating infection and infectious diseases
- Act on specific solutions related to the prevention and combating COVID and other infectious diseases and crises they caused, the Council of Ministers' and Ministers' regulations concerning the current situation (see further points 1.2.1 and 1.2.2)

The Constitution of the Republic of Poland provides for three categories of extraordinary states: martial law, a state of emergency and a state of a natural disaster.

The Constitution of the Republic of Poland stipulates that in the state of emergency some of the fundamental rights could be limited, with an exception to human dignity, rights related to the Polish citizenship, protection of life, humanitarian treatment and prohibition of torture, the ascription of criminal responsibility, access to a court, protection of private and family life, freedom of conscience and religion and protection of child's rights.

State of natural disaster

The actions of the state's authorities and functioning of the system of the state during the state of emergency are regulated both by the Constitution and the specific legal acts. According to the Act on the state of natural disaster of 2002¹, the event of mass spread of infectious diseases (such as e.g. COVID-19) is classified as the state of a natural disaster. The Act on the state of natural disaster includes provisions regulating, among others, the functioning of state authorities and the scope of limitation of fundamental freedoms during the state of a natural disaster. In light of these regulations, the government has the power to limit the protection of some of the fundamental rights and freedoms. These limitations could include, for instance, suspension of the functioning of enterprises, ordering to perform or prohibition of performing a certain type of economic activities, a partial or a complete restriction on supplying of certain products or temporary prohibition of increasing the prices of certain products or services. The limitations could also include the order to evacuate, the prohibition of organizing mass events or a prohibition of organizing a strike in certain sectors of the economy.

Furthermore, according to the Constitution during the extraordinary state as well as within 90 days following its termination among others the elections for the Presidency cannot be held. The Presidential election is scheduled for 10 May 2020. The epidemic of COVID-19 and the threat to public health sparked the public discussion whether the elections should be organized as planned.²

¹ Poland, Act on the state of natural disaster of 18 April 2002 (*Ustawa z dnia 18 kwietnia 2002 r. o stanie klęski żywiołowej*), available at: <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20020620558/U/D20020558Lj.pdf> (accessed 19.03.2020).

² See e.g. Ombudsman (*Rzecznik Praw Obywatelskich*), Koronawirus. RPO: nie można organizować wyborów 10 maja, available at: <https://www.rpo.gov.pl/pl/content/rpo-wybory-10-maja-2020>; Sitnicka D., Prof. Łętowska: Dyskusja o wyborach prowadzona jest w sposób oszukańczy. Szwindel, podmiana etykiety, Oko.press, available at: <https://oko.press/prof-letowska-dyskusja-o-wyborach/> (accessed 24.03.2020)

So far, the Council of Ministers has not decided to declare the state of natural disaster concerning combating COVID epidemic.

State of epidemic threat

Furthermore, state's actions related to preventing and combating virus epidemics are regulated by the Act on preventing and combating infection and infectious diseases³. The Act regulates the procedures of combating the infectious diseases and the competences of the state's authority in preventing and combating these diseases. The Act provides that in a case of an epidemic threat the Minister of Health announces the state of epidemic threat. The Minister announces the state of epidemic threat in a regulation. The regulation could also include provisions concerning temporary limitations in freedom of movement, producing and selling certain products and changes in operations of certain companies or institution as well as a prohibition of organizing mass events.

On 13 March 2020, the Minister of Health has announced the state of epidemic threat in Poland (see further point 1.2.2). This decision was changed by the Minister of Health's regulation on announcing the state of epidemic on 20 March 2020.

1.2 Polish authorities' response to the SARS-COVID-19 outbreak

1.2.1 COVID Act

Despite the already binding provisions mentioned in point 1.1, on 2 March 2020, the Parliament adopted new legislation, the Act on specific solutions related to the prevention and combating COVID and other infectious diseases and crises they caused (hereinafter: COVID Act).

The COVID Act describes the procedures for preventing and combating COVID, tasks of public authorities, the rights and obligations of entrepreneurs and the rules for covering the costs of carrying out the aforementioned task.

The COVID Act came into force a day after it was published in the Journal of Laws, namely on 8 March 2020. The part of the COVID Act's provisions related to the state's actions in response to the coronavirus outbreak will be binding temporarily – from 180 to 365 days since the date of the Act coming into force. However, the part of the provisions which amend already binding regulations e.g. functioning of the health care system, telecommunication or state's Sanitary and Epidemiological Stations remain in force even after the state of emergency related to combating COVID epidemic.

The explanatory memorandum presented to the draft COVID Act lacked any assessment of the proportionality of the provisions. During the legislation process, the law was discussed during one session of the Parliamentary Commission of Health. The representatives of WHO's Office in Poland, Chief Medical Board and Federation of Patients and the Chief Sanitary Inspectorate participated in the discussion. During this discussion, some MPs expressed their concerns that the law introduces the state of emergency which is not provided by the Constitution of Poland and could cause a

³ Poland, Act on preventing and combating infection and infectious diseases of 5 December 2008 (*Ustawa z dnia 5 grudnia 2008 r. o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi*), available at: <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20082341570/U/D20081570Lj.pdf> (accessed 19.03.2020).

potential threat to the protection of fundamental rights and freedoms.⁴ The discussion on this law was not followed by consultations with the Ombudsman's office or other stakeholders or experts.

The COVID Act was criticized by legal experts who raised concerns about the fact that the law equips the government with unlimited powers without a proper assessment of their proportionality. The measures provided by the COVID Act could infringe fundamental rights and freedoms in a way that could be applicable only in a situation of particular danger and only if ordinary measures proved to be inadequate. Moreover, the COVID Act does not contain any specific protection against the arbitrariness of authorities using these tools for other purposes, nor provisions that are normally a consequence of a state of emergency, e.g. the lack of possibility to conduct elections.⁵

State of epidemic or state of epidemiological threat

The provisions of the COVID Act amended the provisions of the Act on preventing and combating infection and infectious diseases. After the changes, on the basis of the Act on preventing and combating infection and infectious diseases the Council of Ministers gained the power to declare a state of epidemic or state of epidemiological threat in particular parts of Poland or the entire territory of Poland. Before the changes, the state of an epidemic or the state of an epidemiological threat could be declared only by province governors (voivodes) in their regions. The COVID Act further changed the provisions of the Act on preventing and combating infection and infectious diseases and provided that the state authorities have competence to establish 3 different zones (ground zero, buffer zone, danger zone) in the place of the epidemic. The new provisions lack, however, specific regulations regarding the procedures of establishing such zones.

The zones differ in the level of restrictions connected with the risk of an epidemic occurring in each territory. The ground zero could be proclaimed at the virus occurrence spot where particular "bans, orders, control measures" could be imposed, whereas in the buffer zone the authorities could introduce bans and orders on movement. So far, the state's authorities have not declared any region in Poland any of these zones.

Compulsory hospitalization and quarantine

The COVID Act also changed the provisions of the Act on preventing and combating infection and infectious diseases regulating the compulsory hospitalisation and quarantine. According to the new provisions of the Act on preventing and combating infection and infectious diseases, persons infected with infectious diseases or persons suspected to be infected could be subject to compulsory hospitalisation based on the decision of the County (*Powiat*) Sanitary Inspectorate.

The law does not provide for any possibility to challenge the decision in the proceedings before a court. In the opinion of some legal experts, the lack of effective judicial control concerning these decisions may be a form of illegal deprivation of liberty and lead to a violation of the European Convention of Human Rights.⁶

Furthermore, in order to combat the COVID epidemic and based on the Act on preventing and combating infection and infectious diseases the Minister of Health issued regulations which obliged persons who remain healthy but had contact with infected persons are subject to compulsory

⁴ Poland, Sejm, Zapis przebiegu posiedzenia Komisja Zdrowia, 2 March 2020, available at: <http://www.sejm.gov.pl/Sejm9.nsf/biuletyn.xsp?sknr=ZDR-13> (accessed on 24.03.2020)

⁵ Gazeta Wyborcza, Prof. Ewa Łętowska: - Ustawa o koronawirusie narusza konstytucję. Nadaje się do kosza, available at: <https://wyborcza.pl/7,75398,25755535,prof-ewa-letowska-ustawa-o-koronawirusie-narusza-konstytucje.html> (accessed 10.03.2020).

⁶ Rzeczpospolita, Koronawirus: Jak skarżyć się na zastosowany przymus leczniczy, available at: <https://www.rp.pl/Opinie/303139869-Koronawirus-Jak-skarzyc-sie-na-zastosowany-przymus-leczniczy.html> (accessed 19.03.2020)

quarantine in the length of 14 days. (see further information on the Minister of Health's regulations in point 1.2.2). The same applies to persons coming back from abroad since 13 March 2020. A person coming from abroad has to notify the Border Guard about their home address and phone number.

Quarantine might be used with respect to the same person more than once.

The Police have the competence to control whether a person respects the regime of home quarantine. The police officers do not enter the premises, however, they call a person (usually via the intercom) and ask them to show up in the window, so that the police officer could check whether a person stays at home. A person who does not obey the rules of quarantine may be punished with a fine.

These provisions regulating the compulsory and hospitalization are not limited only to the combating COVID-19 and will remain in force even after the epidemic. The explanatory memorandum presented during the works on the draft version of the COVID Act did not provide any reasoning for such a solution. The provisions regulating the duty of persons coming from abroad to notify the Border Guard about their home address and phone number were introduced only in relation to combating COVID-19.

On 24 March 2020, there were 799 persons diagnosed with coronavirus⁷, and on 23 March 2020 there were 55301 remaining in the home quarantine and 95445 citizens in 14-day home quarantine after returning to Poland (including persons who might have had contacts with an infected person as well as all Polish citizens coming from abroad).⁸

Suspension of the works of educational facilities, including schools and higher education institutions

According to the COVID Act, the Minister of National Education and the Minister of Higher Education have the competence to limit or suspend the work of schools (including kindergartens) and universities. The decision on suspension has to be justified by "*extraordinary circumstances posing threat to life or health of pupils and students*". Hence, this regulation is not limited only to the outbreak of coronavirus.

On 11 March 2020, the Minister of National Education issued a regulation suspending the functioning of educational facilities from 12 March 2020 to 25 March 2020. The regulation concerns all educational facilities (kindergartens, primary schools, and secondary schools); it does not, however, concern correctional facilities, such as education facilities for juveniles or schools in the detention facilities.⁹ On 20 March 2020, the Minister of National Education issued two more regulations. The first one prolonged the suspension of educational facilities' works until 10 April 2020.¹⁰ The second regulation provided set of regulations concerning duties of the schools' related to organising the education activity remotely (including the possibility to organize lessons via video

⁷ Poland, Ministry of Health (Ministerstwo Zdrowia), Mapa zarażeń koronawirusem (SARS-CoV-2), available at: <https://www.gov.pl/web/koronawirus/wykaz-zarazen-koronawirusem-sars-cov-2>

⁸ Poland, Ministry of Health (Ministerstwo Zdrowia) available at: https://twitter.com/MZ_GOV_PL/status/1242139468234207235?s=20

⁹ Poland, Regulation of the Minister of National Education on the temporary suspension of functioning of education facilities in relation to preventing and combating COVID-19 of 11 March 2020, available at: isip.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000410/O/D20200410.pdfisip.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000410/O/D20200410.pdfisip.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000410/O/D20200410.pdf (accessed 19.03.2020).

¹⁰ Poland, Minister of National Education (Minister Edukacji Narodowej), Rozporządzenie zmieniające rozporządzenie w sprawie czasowego ograniczenia funkcjonowania jednostek systemu oświaty w związku z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, available at: <https://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000492/O/D20200492.pdf> (accessed 24.03.2020)

link and assess pupils' work).¹¹ Furthermore, the works of the universities are also suspended based on the Regulation of the Minister of Higher Education.¹²

The COVID Act provides that, in the event of the closing of the nurseries, kindergartens or schools, a parent of a pupil up to 8 years old is entitled to receive additional care-allowance, for a period not longer than 14 days. However, on 18 March 2020, the government announced the legislative package a so-called "Anti-crisis shield". According to the information published by the government the right to the social allowance for parents of small children will be prolonged.¹³ The care-allowance is paid monthly and amounts to 80% of the base of allowance assessment (usually, the employees' average remuneration for the last 12 months). The care-allowance might be used only by the person who is insured in social insurance services. Therefore, it requires the parent taking care of children to be employed for at least 30 days (90 days in case of self-employed persons) before having the possibility to use the allowance and is not available for self-employed persons or persons performing their duties on the basis other than employment contract (e.g. service contracts).

Employees' rights

The COVID Act created also the possibility for the employers to order employees to perform work remotely, for a fixed time.

The COVID Act does not contain, however, any specific measures related to the impact of measures on people of low income, who are less able to self-isolate. These provisions do not apply to persons employed on bases other than employment contracts (e.g. freelance contracts or contracts to complete specific work).

However, on 18 March 2020, the government announced the legislative package a so-called "Anti-crisis shield". According to the information published by the government persons hired on the basis of service-providing contracts will be entitled to a monthly gross allowance in the amount of 2.000 PLN (approx. 500 EUR). The draft law is still under preparation and has not been directed to the Parliament yet.^{14 15}

Influence on medicines and medical components prices

Under the COVID Act, the Minister of Health has a right to introduce maximum prices of specific medicines (those that can be obtained without a prescription, as well as those that require a prescription), medical components, as well as special-purpose food (e.g. infant formula). In case of unavailability of a particular product, the Minister has also the power to establish a maximum amount

¹¹ Poland, Minister of National Education (Minister Edukacji Narodowej), w sprawie szczególnych rozwiązań w okresie czasowego ograniczenia funkcjonowania jednostek systemu oświaty w związku z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, available at:

<http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000493/O/D20200493.pdf> accessed 24.03.2020)

¹² Poland, Minister of Science Higher Education (Ministerstwo Nauki i Szkolnictwa Wyższego), Rozporządzenie Ministra Nauki i Szkolnictwa Wyższego w sprawie czasowego ograniczenia funkcjonowania niektórych podmiotów systemu szkolnictwa wyższego i nauki w związku z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, available at:

<http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20200000511/O/D20200511.pdf> (accessed 24.03.2020)

¹³ Poland, Serwis Rzeczypospolitej Polskiej, Tarcza Antykryzysowa ma ochronić firmy i pracowników przed skutkami epidemii koronawirusa, available at: <https://www.gov.pl/web/koronawirus/tarcza-antykryzysowa-ma-ochronic-firmy-i-pracownikow-przed-skutkami-epidemii-koronawirusa> (accessed 24.03.2020)

¹⁴ Poland, Serwis Rzeczypospolitej Polskiej, Tarcza Antykryzysowa ma ochronić firmy i pracowników przed skutkami epidemii koronawirusa, available at: <https://www.gov.pl/web/koronawirus/tarcza-antykryzysowa-ma-ochronic-firmy-i-pracownikow-przed-skutkami-epidemii-koronawirusa> (accessed 24.03.2020)

¹⁵ Poland, Serwis Rzeczypospolitej Polskiej, Tarcza Antykryzysowa ma ochronić firmy i pracowników przed skutkami epidemii koronawirusa, available at: <https://www.gov.pl/web/koronawirus/tarcza-antykryzysowa-ma-ochronic-firmy-i-pracownikow-przed-skutkami-epidemii-koronawirusa> (accessed 24.03.2020)

of medicines, medical components, and special-purpose food products that might be bought by one patient.

Binding orders of Chief of Sanitary Inspectorate

According to COVID Act, the Chief of National Sanitary Inspectorate (hereinafter: the NSI) has a power to give binding orders to entrepreneurs and individuals to conduct particular preventive or controlling activities, report on its outcomes, as well as to distribute specific medicines, medical components or special purpose food. The orders of the NSI's Chief do not have to be justified. In case of emergency, they might be even issued orally. Their recipient is obliged to comply with them immediately. The recipient has a right to challenge them, however, within only 2 days since the delivery of an order or confirmation of a verbal order.

Information on the state of epidemic

The state's authorities have undertaken numerous steps to provide information on the epidemic threat. First of all, the government runs a special website dedicated to the latest information on COVID-19. The information on the website is available in three foreign language versions: English, Russian and Ukrainian.¹⁶ Furthermore, the press conferences of the Prime Minister and Minister of Health are translated into the sign language. Furthermore, the National Health Fund operates a 24/7 hour helpline providing information on COVID-19.¹⁷ The government and the Ministry of Health ordered publication in media education spots and information on preventing the infection of COVID-19.¹⁸

1.2.2 Governmental and ministers' specific regulations concerning combating COVID-19 outbreak

On 13 March 2020, the government and the government's ministers issued a set of regulations concerning the state of the threat of epidemic. The main regulation, the Regulation of the Ministry of Health on declaring the state of epidemic threat in Poland concerned five main areas: public transport, distribution of specific products, functioning of institutions and organisation of assemblies and mass events. The regulations also provided the obligation on compulsory quarantine for persons coming from abroad (see point 1.2.1). The regulation was further changed and restricted on 20 March 2020 by the Minister of Health's regulation on declaring the state of epidemic in Poland.

Public transport

Concerning public transport, the government issued a regulation suspending all flight connections to and from Poland, with an exception to charter flights operated for the citizens of Poland coming back to the country. The ban was introduced since 15 March for 10 days with a possibility to extend this period. Furthermore, the regulation of the Ministry of Health on the state of epidemic threat suspended all international train connections to and from Poland. Based on the regulation, the Minister of Administration and Internal Affairs suspended the border traffic between Poland and the

¹⁶ Poland, Serwis Rzeczypospolitej Polskiej, available at: <https://www.gov.pl/web/koronawirus> (accessed 24.03.2020)

¹⁷ Poland, National Health Fund (*Narodowy Fundusz Zdrowia*), Całodobowa infolinia NFZ o koronawirusie, available at: <https://gis.gov.pl/aktualnosci/calodobowa-infolinia--nfz-o-koronawirusie/> (accessed 24.03.2020)

¹⁸ Poland, Jest rządowy projekt ustawy w sprawie koronawirusa. Pozwoli na "wprowadzenia szczególnych rozwiązań minimalizujących zagrożenie dla zdrowia publicznego", Dziennik Gazeta Prawna, available at: <https://www.gazetaprawna.pl/artykuly/1456607,rzad-koronawirus-projekt-ustawy-specjalne-rozwiazania.html> (accessed 24.03.2020)

Russian Federation, Belarus, and Ukraine and reintroduced controls at borders between Poland and its EU neighbouring states. The suspension of border traffic between Poland and non-EU countries does not apply to Polish citizens, the foreigners who are married to a Polish citizen, children of Polish citizens and persons under their care, foreigners holding a Pole's Charter and foreigners with a permanent or temporary, foreigners who have a right to work in Poland and will uphold this work just after the border crossing as well as diplomats residence permit in Poland. As the Polish legal system does not recognize same-sex partnerships (even these entered into abroad), these exceptions do not apply to a same-sex foreigner partner of a Polish citizen.¹⁹ Furthermore, since 15 March 2020, every person crossing the Polish border should leave their contact details to the Border Guard and remain in quarantine for 14 days.

On 24 March 2020, the Prime Minister announced that the use of the freedom of movement will be further restricted to only three instances i) commuting to work ii) commuting in relation to perform volunteer duties in order to prevent COVID-19 iii) leaving home only to run the most necessary daily life errands (e.g. seeing a doctor or grocery shopping). The regulation will also introduce limitations in the public transport. Although all means of the public transport will still operate, there will be restrictions on the number of passengers using one vehicle at the time (only a half of the seats in the vehicle could be occupied at the same time).

The law has not been published yet.

Distribution of special medical equipment

When it comes to the distribution of special medical equipment, the Minister of Health issued a regulation introducing a ban on exporting or selling respirators and patient monitors outside the territory of Poland. Furthermore, companies manufacturing medical protective equipment, such as e.g. goggles or protective masks, should notify the voivodes about the attempt to export or sell the products abroad at least within 24 hours before the sell.

The works of companies

The Minister of Health's Regulation of 20 March 2020 suspended the works and functioning of certain companies (including restaurants and bars) and institutions (such as, among others, museums, cinemas or sport arenas). The regulation also suspended the works of shopping centres and shops with non-essential products (such as e.g. clothes or shoes). The food shops, banks and pharmacies are not covered by the scope of this regulation.

Ban on mass events

The Minister of Health's regulation also introduces a ban on organising mass events and public assemblies attended by more than 50 persons. The introduction of this prohibition was accompanied by the discussion on organising services in the places of worship. After introducing the state of the epidemic, the President of the Polish Episcopate appealed to the Catholics to stay at home, rather than attend the services on Sunday. The services have not, however, been called off. On the other hand, the Muslim Religious Association²⁰ cancelled all prayers in mosques and the Archbishop of

¹⁹ Poland, Regulation of the Minister of the Interior and Administration on the temporary suspension or limitation of border traffic at certain border crossings of 13 March 2020, available at: <http://dziennikustaw.gov.pl/D2020000043501.pdf> (accessed 19.03.2020).

²⁰ Poland, Announcement of the Supreme Muslim College by the Muslim Religious Association of Poland of 12 March 2020, available at: <http://mzr.pl/oswiadczenie-najwyzszego-kolegium-muzulmanskiego-muzulmanskiego-zwiazku-religijnego-w-rzeczypospolitej-polskiej/> (accessed 19.03.2020).

the Lutheran Church ordered pastors to take into consideration the factor of public health and epidemic state while making decision on conducting the prayers.²¹

Assessment of the proportionality

None of the regulations issued by the government or the ministers' included any assessment of the proportionality of the undertaken measures. The law does not provide any supportive measures or additional guarantees for people in the institutions or detention facilities. The prevention of COVID-19 in the institutions depends mainly on the safety measures adopted by either the management of the institutions, their supervising authorities or in some cases (like e.g. the application of the pre-trial detention) on courts' decisions. For example, on 23 March 2020, media reported that the court in Warsaw released from pre-trial detention a defendant who might have been in the risk group of infecting by COVID-19.²²

The law does not refer to the pending court proceedings which could be influenced by the COVID-19 outbreak. The representatives of the Bar Association and the National Chamber of Legal Advisers appealed to the Prime Minister to consider adopting legal measures which could suspended the proceedings impacted by COVID-19.²³ However, neither the government nor the Parliament have adopted any measures to address this problem.

On 18 March 2020, the Prime Minister announced the main points of the legislative package called "Anti-crisis Shield". The package includes numerous provisions which could protect the business and the situation of workers and employees which could be affected by the COVID-19 outbreak. The full version of the legislative package has not been presented yet.²⁴

2 Impact of the outbreak on certain national or ethnic communities

Discrimination of persons of Asian origin, perceived as Asians or coming from a country identified as having widespread coronavirus.

So far, the media have reported on two cases of harassment against persons of Asian origin, perceived as Asians or coming from a country identified as having widespread coronavirus. According to one of the newspapers, in the beginning of February 2020, Chinese students of Gdansk University of Physical Education and Sport have been verbally offended by a group of Polish students, due to the alleged suspicion of spreading COVID. The incident ended with the determined

²¹ Poland, Pastoral letter of the Bishop of the Lutheran Church of Poland of 13 March 2020, available at: https://www.luteranie.pl/nawosci/nabozenstwa_w_czasie_zagrozenia_koronawirusem,6596.html (accessed 19.03.2020).

²² Barejka P., Koronawirus w Polsce. Sąd uchylił areszt przez epidemię. "Kwestie zdrowotne mają znaczenie", wp.pl. available at: <https://wiadomosci.wp.pl/koronawirus-w-polsce-sad-uchylil-areszt-przez-epidemie-kwestie-zdrowotne-maja-znaczenie-6492063050458753a> (accessed 24 March 2020)

²³ Rzeczpospolita, Koronawirus. Prawnicy do premiera: zatrzymaj bieg terminów sądowych, available at: <https://www.rp.pl/Radcowie/303179865-Koronawirus-Prawnicy-do-premiera-zatrzymaj-bieg-terminow-sadowych.html> (accessed 24 March 2020)

²⁴Poland, Serwis Rzeczypospolitej Polskiej, Tarcza Antykryzysowa ma ochronić firmy i pracowników przed skutkami epidemii koronawirusa, available at: <https://www.gov.pl/web/koronawirus/tarcza-antykryzysowa-ma-ochronic-firmy-i-pracownikow-przed-skutkami-epidemii-koronawirusa>

reaction of University authorities who initiated disciplinary proceedings against aggressors. The perpetrators now face a serious risk of being expelled from the University.²⁵

The media also reported on a case of a man of Chinese origin who was beaten in Wrocław on 8 March 2020. According to the media coverage, several young men physically attacked him, spat on him and punched him in the face. Perpetrators have not been caught by the Police so far. The media reports, however, do not provide information whether the incident was in any way connected to the coronavirus outbreak²⁶

On 11 March 2020, the media reported that the staff of a wedding dresses shop refused to serve two Asian clients. The shop staff justified their decision by the fear of contracting coronavirus.²⁷

3 Impact on privacy and spread of disinformation

Infringement of privacy

At the beginning of the coronavirus outbreak in Poland, the President of the Personal Data Protection Office issued a statement analysing the provisions of the COVID Act. The President of the Personal Data Protection Office stated that the provisions of the COVID Act do not pose a threat to data protection. He also underlined that the data protection provisions *"could not be presented as an obstacle to fight the epidemic"*.²⁸

Although in general the identity of persons tested positive with COVID-19 remain not available for public, still in some cases media report on concrete cases. For example, one of the media outlets, Gazeta Wyborcza, revealed information which allowed to identify the first patient in Poland tested positive with COVID-19. The media reported that the person had been a member of the ruling party in his city, a candidate in the Parliamentary elections, expelled from the party due to the allegations concerning his contacts with the communist regime. After a few hours, the information about the zero patient's political affiliation was deleted from the newspaper's website.²⁹ With respect to this case, the County (*Powiat*) Chief of Sanitary Inspectorate in Słubice, during a broadcasted online meeting of the local crisis management team, revealed several facts about the man's private life, especially those concerning his marital status and housing conditions. The Chief of Sanitary Inspectorate asked relevant public authorities in Słubice to dismiss the chief of the local inspectorate.³⁰

²⁵ Fakt, *Atak na studentów z Chin! Wszystko przez koronawirusa*, available at: <https://www.fakt.pl/wydarzenia/polska/trojmiasto/studenci-z-chin-zaatakowani-na-awf-w-gdansk-poszlo-o-wirusa/69pk7l6#slajd-1> (accessed 10.03.2020).

²⁶ Gazeta Wroclawska, *We Wrocławiu pobito znanego kucharza pochodzącego z Chin. Napastnicy najpierw napluli mu w twarz*, available at: <https://gazetawroclawska.pl/we-wroclawiu-pobito-znanego-kucharza-pochodzacego-z-chin-napastnicy-najpierw-napluli-mu-w-twarz/ar/c1-14845614> (accessed 10.03.2020).

²⁷ Gazeta Wyborcza, *Koronawirus. Azjatka nie kupiła sukni ślubnej, bo w salonie bali się koronawirusa*, available at: https://warszawa.wyborcza.pl/warszawa/7,54420,25775382,koronawirus-w-warszawie-azjatka-nie-kupila-sukni-slubnej-bo.html#S.MT_wawa-K.C-B.3-L.1.maly (accessed 19.03.2020).

²⁸ Poland, Announcement of the President of the Personal Data Protection Office of 12 March 2020, available at: <https://uodo.gov.pl/pl/138/1456> (accessed 19.03.2020).

²⁹ Do Rzeczy, *Niech ktoś mi wskaże inną gazetę na świecie, która...". "Wyborcza" zlustrowała politycznie pacjenta z koronawirusem*, available at: <https://dorzeczy.pl/kraj/131618/niech-ktos-mi-wskaze-inna-gazete-na-swiecie-ktora-wyborcza-zlustrowala-politycznie-pacjenta-z-koronawirusem.html> (accessed 10.03.2020).

³⁰ Wprost.pl, *Szefowa Sanepidu w Słubicach żartuje, śpiewa i plotkuje o pacjencie z koronawirusem. Jest wniosek o jej odwołanie*, available at: <https://zdrowie.wprost.pl/koronawirus/w-polsce/10304399/szefowa>

Preventing the spread of disinformation

Public authorities in Poland widely inform about the status of COVID disease in Poland and the current number of confirmed cases of infected persons. The government launched a website that includes a list of contagious disease wards, as well as informs on the infection reporting procedures and preventive measures.³¹ At the same time, there is a free helpline at patients' disposal. The National Sanitary Inspectorate also actively discusses the topic of COVID disease on its social media channels.³²

The problem of spread of disinformation concerning coronavirus on the Internet has been tackled in particular by the Ministry of Digital Affairs.³³ Owing to the cooperation between the Ministry and one of the leading social media (Twitter), every time a user searches for information relating to COVID-19, they can see a link leading to the special website³⁴, run by the Ministry of Health, informing reliably on the disease. A similar solution has been introduced with respect to the largest e-commerce platform in Poland (Allegro). In this case, the Ministry also aims at combating dishonest sellers demanding artificially high prices or offering commodities allegedly helpful in fighting the disease, which are of no use at all. As a result, according to the Ministry, more than 13.000 offers have been removed so far, because of profiteering at the expense of customers or misleading them.³⁵

The emerging issue of COVID-related frauds has also been addressed by the Police. According to the Police, there is a growing number of people offering various goods for sale as preventive measures or alleged cures for the disease. Furthermore, some perpetrators, posing as sanitary service employees or police officers, are said to commit robberies under the guise of carrying out controls at homes. The Police regularly urges, at their website, to remain vigilant.³⁶

[sanepidu-w-slubicach-zartuje-spiewa-i-plotkuje-o-pacjencie-z-koronawirusem-jest-wniosek-o-jej-odwolanie.html](#) (accessed 10.03.2020).

³¹ Poland, Koronawirus: informacje i zalecenia, available at: <https://www.gov.pl/web/koronawirus> (accessed 19.03.2020).

³² Poland, Official website of the National Sanitary Inspectorate, available at: <https://gis.gov.pl/kategoria/aktualnosci/> (accessed 19.03.2020).

³³ Poland, Ministry of Digital Affairs, Coronavirus on the Internet – together against disinformation and dishonest practice, available at: <https://www.gov.pl/web/cyfryzacja/koronawirus-w-internecie--razem-przeciw-dezinformacji-i-nieuczciwym-praktykom> (accessed 19.03.2020).

³⁴ See *supra* note 18.

³⁵ See *supra* note 19.

³⁶ Poland, the Police, The Police warns against coronavirus-related frauds, available at: <http://policja.pl/pol/aktualnosci/186280,Policja-ostrzega-przed-oszustami-w-zwiazku-z-koronawirusem.html> (accessed 19.03.2020).