

Legal basis

Access to information on the environment in the Polish legal system is provided in a comprehensive manner. In 2001 Poland ratified the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus on 25 June 1988. The Convention obliges our country to guarantee public access to environmental information¹, the provisions of Convention can be invoked directly. The Convention also allows the submission of the notification of the breach of any natural or legal person, entity announcing even if it is not associated with the case, which informs.

<http://www.google.pl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CC4QFjAC&url=http%3A%2F%2Fisap.sejm.gov.pl%2FDownload%3Fid%3DWDU20030780706%26type%3D2&ei=nEZOVPrICcS7PdaKgUA&usq=AFQjCNEJ-YAlfbEZzUjQWpwZHeyYwoHycA&bvm=bv.77880786,d.ZWU> - link to the Convention

(It is worth mentioning that our founder Frank Bold Society, even under the banner of Ecological Legal Service, successfully made two notifications that have been taken into account by appointed to the Compliance Committee²). Regardless, the right to environmental information is guaranteed by the Act of 3 October 2008 on the provision of information about the environment and its protection, public participation in environmental protection and environmental impact assessments.

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20081991227> - link to the text of the Law

What is the information about the environment?

According to it, everyone has a right to information about the environment and about the protection. Are primarily subject to availability of information on the state of the environment, emissions and pollution, which affect or may affect the elements of the environment; resources, policies, legislation on the environment and water management; plans, programs and agreements on the protection of the environment, and activities affecting or likely to affect the elements of the environment and on emissions and pollution, as well as measures or activities that are designed to protect those elements.

How can I get access to information on the environment?

The information made available on written request, and without the application - does not require information search. The entity that submits an application does not need to demonstrate a legal interest or actual. The authority, which has the information, make it available as a rule within one month from the date of receipt of the application. Providing information in the manner and form requested.

¹ The Convention shall also include public participation in decision-making on projects that may affect the environment, as well as for plans, programs and policies relating to the environment. Also obliges parties to ensure access to justice for environmental information.

² The first concerned the participation of social organizations in proceedings for issuance of building permits and zoning, and the ability to challenge their spatial plans, and other public participation in the process of obtaining the Czech Republic emission allowances free of charge.

http://en.eps.cz/sites/default/files/publikace/dostep_do_informacji_publicznej_frank_bold_0.pdf - link to a practical guide

What information will not be shared?

The Act contains a catalog of situations in which the authorities refuse to provide the information. There will be cases when for example the information will apply to intellectual property rights, personal data of third parties, documents or information the disclosure of which could pose a risk to the environment or ecological security of the country, the mystery of the enterprise, national defense and security or public safety. Refusal to provide the information must be made by an administrative decision. Since the decision may be appealed to a higher degree of authority, and if such a authority does not have - a request for a retrial.

If you have questions related to access to environmental information, we encourage you to contact our Legal Service at poradniaprawna@frankbold.pl



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