

**ACCESS TO PUBLIC INFORMATION AS A NECESSARY  
CONDITION FOR THE IMPLEMENTATION OF THE IDEA OF  
INFORMATION SOCIETY**

**Summary**

This act constitutes a guarantee of social control over the actions of the public bodies and other entities such as political parties, trade unions and those which, regardless of their nature (public or private), make dispositions of public property. On one hand the broad classification of persons obliged to provide information should be regarded as a foundation of civil rights and liberties in a democratic country, but on the other hand, in many cases, cast doubt on the question whether a given entity is an entity obliged to provide information. Similar controversies are accompanied by interpretation of public information, with a view to the vague nature of the legal definition of the concept, only an example of the scope of the shared folder under the Public Information Act. The latter situation raises the controversy on the basis of the rule 23 - the offense of withholding public information despite the legal requirement. In the literature, is presented the position that in the context of the above, to exclude a possible criminal responsibility, the entities should be obliged to provide public information, as requested, unless the request relates to public information that is explicitly covered by specific exemptions. Reservations also raises the dichotomous way of controlling the correctness of the entity decision. In principle, control is transferred to the cognition of administrative courts, but in some cases the action is raised to the civil courts, which do not deal, apart from a few cases, with the control of administrative decisions. In the context of the foregoing, it is suggested to rethink the regulations of the Act in the direction of removing too many controversial issues.

*Translated by Małgorzata Szwejkowska*