

10  
Jun 2016

▲ Lvl. 2

State  
replied

Poland

Alert created on: 25 Jan 2016

## Poland Legalises Mass Surveillance of its Citizens

SOURCE OF THREAT ▶ State

CATEGORY ⓘ ▶ Other acts having chilling effects on media freedom

**PARTNER: EFJ/IFJ, CPJ, RSF**

Poland's Parliament passed a new surveillance law on 15 January 2016. The new law is not effective yet as it still needs to go through the Senate and has to be signed by the President. The bill gives law enforcement agencies, secret services and police authorities fast access to citizens' Internet and telecommunication usage data (e.g. billings of phone connections, geolocation, metadata of sent and received messages, logins, contacts, Internet profiles, visited websites, and personal settings) without prior review or approval from a judge. The new law expands the scope of cases where access to data is allowed, from supporting ongoing investigations to prevention and detection of crimes. This means that one doesn't have to be an official suspect to be surveilled. The person under surveillance will not be informed of said monitoring, which can be sustained for up to 18 months. This law definitively compromises the protection of journalists' sources and it is an obvious deterrent to whistleblowers.

### UPDATES

**10 Feb 2016:** On 3 February 2016, the Polish President, Andrzej Duda, approved the legislation on mass surveillance.

➔ Article published on the BBC website: "Poland surveillance law approved by president"

### ADDITIONAL INFORMATION ▼

➔ Statement of the Polish Bar Council (in Polish)

- ➔ [Statement of the Helsinki Foundation for Human Rights \(in Polish\)](#)
- ➔ [Statement of the National Council of Judiciary \(in Polish\)](#)
- ➔ [Statement of the Polish Ombudsman \(in Polish\)](#)
- ➔ [Joint statement from 10 NGOs \(including Amnesty International\) urging the Polish parliament not to pass the bill \(in Polish\)](#)

## STATE REPLIES



26 Feb 2016 | Reply from the Polish Government

- ➔ [Letter from the Polish Permanent Representation to the Council of Europe](#)

## FOLLOW-UPS



10 Jun 2016 | Surveillance powers too broad in Poland, according to Council of Europe's Venice Commission

- ➔ [Press release - DC109\(2016\)](#)



16 Feb 2016 | Coe Commissioner for Human Rights is concerned that the provisions of the new surveillance legislation are expanding the powers of police and special services without establishing the corresponding safeguards for the protection of the right to privacy, journalistic sources and information covered by professional secrecy.

- ➔ [Commissioner's press release about his visit to Poland : "Poland: slow down and consult on legislation to avoid human-rights backsliding"](#)



11 Feb 2016 | The Monitoring Committee of the Parliamentary Assembly requested the opinion of the Venice Commission on the Polish draft law amending the Law on Police.

- ➔ [Announcement of the opinion request published on the website of the Venice Commission](#)

## RELEVANT COE INSTRUMENTS

**10 Jun 2016** | Venice Commission Opinion on the Act of 15 January 2016 amending the Police Act and certain other Acts, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016)

 **Venice Commission Opinion**

**29 Feb 2016** | Factsheet on Mass Surveillance

 **Overview of the ECHR case law and other relevant Council of Europe resources related to Mass Surveillance**

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**DISCLAIMER**

This section presents a non-exhaustive selection of CoE instruments and ECHR case-law. This information is not a legal assessment of the alert and should not be treated or used as such.