

Polish Data Protection Law

Personal data protection in Polish law is governed by the Act on Personal Data Protection of August 29, 1997 (Journal of Laws of 1997, No. 133, Item 883 as amended) (the "Law"). According to the Law, protected personal data includes names, addresses, phone numbers, etc. The President of Polish Personal Data Protection Office has stated officially that e-mail addresses do not qualify as protected personal data. Amongst other requirements, a person's consent is required for his personal data to be stored or processed.

Personal data processing includes all operations performed on personal data, including collection or storage and in particular the computerised storage of data (Art. 7 item 2 of Law). The Law applies to foreign companies

if the data they process was acquired through the use of technical facilities situated in Poland; i.e. any infrastructure located in Poland that allows the transfer, via the Internet, of the personal data to be processed (Art. 3 item 2 and 3 of Law).

In the light of the official position of the President, the Law affects anybody who contracts with Polish customers via the internet, regardless of where they operate from. Therefore it should be borne in mind that when dealing with Poles, consent must be asked for the processing of their protected personal data, but this does not, surprisingly, include email addresses.

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