

**INFORMATISATION OF ACTIVITIES UNDERTAKEN
AS PART OF AND IN CONNECTION WITH
THE PASSPORT PROCEDURE**

**INFORMATYZACJA CZYNNOŚCI PODEJMOWANYCH
W RAMACH I W ZWIĄZKU Z PROCEDURĄ
PASZPORTOWĄ**

Dr. Katarzyna Tomaszewska

University of Wrocław, Poland

e-mail: katarzyna.tomaszewska@uwr.edu.pl; <https://orcid.org/0000-0003-4024-0036>

Abstract

Informatisation is a process that touches various areas of an individual's life. Nowadays, it is reaching further levels of development, as can be seen, for example, in the electronic service made available by the minister responsible for informatisation and in the use of artificial intelligence in various procedures. It is ubiquitous in the public administration departments regulated by personal administrative law. The Act of 27 January 2022 on passport documents should also be included in this group of regulations. The focus of the analysis in the study is on illustrating those elements that determine the existence of informatisation in the passport procedure and in the scope of other activities that accompany this procedure or are closely related to it. This will allow an overall assessment of the informatisation process and, in particular, highlight the benefits that follow from computerised and automated activities.

Keywords: informatisation, passport document, passport, electronic service

Abstrakt

Informatyzacja jest procesem dotykającym rozmaitych dziedzin życia jednostki. Współcześnie wchodzi na dalsze poziomy swojego rozwoju, o czym świadczy m.in. udostępniana przez ministra właściwego ds. informatyzacji usługa elektroniczna, jak i wykorzystanie sztucznej inteligencji w rozmaitych procedurach. Jest wszechobecny w działach administracji publicznej podlegających regulacjom

osobowego prawa administracyjnego. Do grupy tych uregulowań należy zaliczyć również ustawę z dnia 27 stycznia 2022 r. o *dokumentach paszportowych*. Punkt ciężkości prowadzonej analizy w opracowaniu został położony na zobrazowanie tych elementów, które przesądzają o istnieniu procesu informatyzacji w procedurze paszportowej oraz w zakresie innych czynności, które tej procedurze towarzyszą lub pozostają z nią w ścisłym związku. Pozwoli to na ogólną ocenę procesu informatyzacji, w szczególności zaś na uwypuklenie korzyści będących następstwem czynności z informatyzowanych i zautomatyzowanych.

Słowa kluczowe: informatyzacja, dokument paszportowy, paszport, usługa elektroniczna

Introduction

Dynamic technological progress not only entails the development of new goods or modification of the areas in which they are exploited [Cyrul, Duda, Opila, et al. 2014], but also generates new expectations on the part of individuals concerning the various service providers. This also applies to public entities carrying out tasks aimed at meeting the collective and individual needs of citizens. These expectations boil down to a fast, low-cost, uncomplicated and, above all, not requiring a personal appearance (physical presence) at the office, for example, when dealing with an issue. Meeting such societal needs is largely becoming possible as a result of the growing process of informatisation. Nowadays, this process encompasses various areas of functioning of individuals, including the activities of public administration, causing offices serving public administration bodies to operate more efficiently, more quickly and, generally speaking, more optimally and more favourably, taking into account the aspirations of both sides of the administrative procedure (body and petitioner). Indeed, e-administration is intended to create a link between authorities and citizens, improving their interaction, speeding up business processes and simplifying administrative procedures while reducing operational fees [Haręża 2019]. This is in close connection with the assertion of D. Reiling where she goes as far as to emphasise that technologies increase the accuracy of procedural steps [Reiling 2010, 52], without detracting from their efficiency, cheapness and speed of execution.

Although the Polish legislator determines the process of computerisation in the Act of 17 February 2005 on the informatisation of the activities

of entities performing public tasks¹ and as G. Szpor points out, has treated this process as public policy [Szpor 2009], it does not itself introduce its legal definition. In the doctrine, informatisation is defined as activities aiming at the implementation and dissemination of the use of modern techniques or information and communication technologies in a specific field [Sibiga 2019]. It is the systematic and comprehensive use of modern information technologies in various aspects of human life [ShengQuan, Wang, and Haoyang 2005, 88-101]. The essence of informatisation boils down to the efficient processing of data that has information value, which makes it rise to the level of a public management institution [Szpor 2009; Pietrasz 2020]. It is a consequence of, but also closely related to, computerisation, understood as a long-term social process of guaranteeing access to and support for hardware and computers to improve activities in various fields, leading to a stronger economy, a stronger military [Kling and Iacono 1988, 226-43], generally speaking, a stronger state.

This systematic and comprehensive use of modern information technology [ShengQuan, Wang, and Haoyang 2005, 88-101] is proving to benefit 21st century individuals in those public administration activities that are governed by personal administrative law. This includes, among others, the broadly defined passport procedure, regulated by the contents of the Act of 27 January 2022 on passport documents.² Significantly, it is in this area that recent developments dictated by the use of modern IT tools and means could be seen. The focus of the discussion is on illustrating and evaluating those elements that determine the informatisation of the passport procedure in its broadest sense, i.e. beyond the scope of activities related to the mere application for – and – receipt of passport documentation. Indeed, a concrete analysis of the u.d.p. regulations highlights the manifestations of the process in question in terms of: 1) request passport documentation; 2) report incidents of loss or damage to passport documentation; 3) maintain the Register of Passport Documents (RDP); 4) make available the data collected in the RDP.

A detailed analysis of the above-mentioned functionalities related to the operation of passport authorities will show the advantages

¹ Journal of Laws of 2023, item 57 as amended [hereinafter: u.i.d.p.].

² Journal of Laws of 2023, item 1302 [hereinafter: u.d.p.].

and disadvantages of implementing the informatisation process in the discussed section of public administration and will provide the basis for formulating an overall assessment of the process in question. The contemporary form of the passport document, which still boils down to the so-called “booklet,” but which contains two layers: an external and an internal one, is also not insignificant in analysing the process of informatisation and its manifestations. According to the contents of Article 11 of the u.d.p., a passport (except for a temporary document) has, in addition to a tangible graphic layer, an electronic layer which is invisible to the “naked eye,” the contents of which may serve to confirm the reliability of the data located in the external – graphic layer. The electronic layer contains data concerning the person – the holder of the passport (including, as a rule, his/her fingerprints or information on the absence of fingerprints); data concerning the document itself with data authenticating the information inside the document. The passport authority provides the applicant with the opportunity to verify that the personal and biometric data of the prospective holder of the passport document contained in the graphic and electronic layers are consistent with the actual state of affairs (Article 58 u.d.p.).

1. Legal aspects of informatisation in the process of applying for and receiving passport documentation

Driven by the need to save time and resources, the modern individual is showing great interest in such solutions, which offer the possibility of dealing with matters remotely without the need to leave one’s home, without having to queue up at a so-called counter or a particular clerk’s office. Expectations of this kind were significantly reinforced and expanded in connection with of the SARS-CoV-2 epidemic, when the handling of some cases had to be shifted to the Internet due to the epidemiological situation and came down to the use of electronic communication means.³ This time has shown that, if necessary, there is no obstacle to reducing

³ In the light of Article 2 point 5 of the Act of 18 July 2002 on the provision of services by electronic means, Journal of Laws of 2020, item 344, means of electronic communication should be understood as technical solutions, including tele informatic devices and software tools cooperating with them, enabling individual communication at a distance using data transmission between ICT systems, and in particular electronic mail.

the degree of bureaucracy in the administration and, at the same time, guaranteeing positive handling of the matter for the benefit of both parties. The individual of the 21st century is becoming increasingly accustomed to the fact that many things can be done electronically and his demands are also increasing in this respect, resulting in a kind of incomprehension towards such matters, where the absence of a personal appearance cannot take place. This circumstance, which entails a personal visit to the office, may hit those areas that have been included in the informatisation process and weaken their importance. This group includes the passport procedure covered by informatisation (applying for and obtaining a passport document), where, due to the content of Article 30(1) of the u.d.p., applying for a passport document requires the applicant to appear in person at the passport authority. The same applies to its reception, although this, unlike the inference itself, evokes neither negative emotions nor much surprise on the part of the average individual. However, it must be clearly emphasised that, as is the case when applying for an identity card, this is dictated by the need to submit fingerprints in the presence of a public authority employee. They may be used, *inter alia*, to verify the identity of a person receiving a passport, diplomatic passport or service passport issued to them (Article 57(2) u.d.p.).⁴ The obligation to appear in person at the office undoubtedly devalues the importance of the informatisation process, but it does not completely invalidate it. When talking about the weakening of the informatisation process in this respect, it is necessary to point out that more benefits resulting from the computerised steps of the application procedure can be seen on the part of the office staff themselves than on the part of the interested supplicant. They mainly come down to relieving the employee of the burden of certain physical activities not infrequently referred to as routine. In this sense, therefore, informatisation leads to a simplification of the procedure on the part of the public authority's office in connection with documentation taking electronic form. On the other hand, this feature, or in other words the consequence of the process of informatisation (the ability to do everything online), which (as has already been pointed out) is most desired by modern

⁴ Judgment of the Voivodship Administrative Court in Łódź of 14 March 2023, no. III SAB/ŁD 154/22, CBOSA.

man, cannot and does not in principle occur in the process of applying for a passport document.

However, the legislator provides two exceptions to the obligation to be physically present in the office for the purposes of the application. The first applies to a person abroad when special circumstances make it impossible, or significantly difficult, for the applicant to submit the application in person to the office. However, this only applies to the application for a temporary passport and is based on a positive decision (consent) by the consul. The second is based on the permissibility of using the electronic service made available by the minister responsible for informatisation, once the applicant has been authenticated following the content of the u.i.d.p.,⁵ and concerns only the application for a passport or temporary passport for a person under 12 years of age. It is noteworthy that this service is not only a manifestation of the process of informatisation but presents a higher stage of its development – automation, where, irrespective of the working hours of the office, the degree to which a given clerk is overworked, it is possible to apply, the correctness and completeness of which is subject to automatic verification, at any time and from any place selected by the applicant, without the necessity of making a personal visit to the office.⁶ The identity of the applicant in this case is confirmed using an electronic identification means issued in an electronic identification system connected to a national electronic identification node; electronic identification means issued by a notified electronic identification scheme; data verified by a qualified electronic signature certificate. In this sense, this solution seems to be optimal for any person who wants to deal with

⁵ This refers to the content of Article 20 a of the u.i.d.p., where the authentication of a user of a public entity's ICT system where online services are made available requires the use of an electronic identification means issued in an electronic identification system connected to a national electronic identification node, referred to in Article 21a (1)(2) letter a of the Act of 5 September 2016 on Trust Services and Electronic Identification Services, Journal of Laws of 2021, item 1797, an electronic identification means issued in a notified electronic identification system, data verified with a qualified certificate of electronic signature, if these data allow identification and authentication required to provide an online service. Moreover, a public entity that uses an ICT system to perform public tasks may enable the user to authenticate in this system by using other technologies.

⁶ More about the electronic service see Tomaszewska 2022, 329-48.

matters quickly and smoothly and who does not find it challenging to navigate the world of the Internet and use electronic means of communication. The legislator has allowed the use of the electronic service functionality also for the acknowledgement of receipt of a passport or a temporary passport when these documents are issued by a consul upon application by the future holder. This is the case when conditions are particularly difficult for personal collection and it is carried out with the assistance of a postal or shipping service provider in the country concerned while ensuring the security of the document to be transmitted (Article 59 (1) (2) point 2 u.d.p.).

As far as the application process for obtaining a passport document is concerned, the legislator eliminates, as a rule, the use of paper documentation. The application boils down to an employee of the passport authority filling in a form recorded in electronic form⁷ based on data submitted by the prospective holder of the passport document and based on information appearing in the RDP or PESEL register. The form shall be stamped by the applicant by means of a device which permits the electronic submission of a signature and at the same time provides a basis for the reproduction of the handwritten signature.⁸ Such a stamping of the documentation is equivalent to a handwritten signature. The paper form, an exception in this procedure, is correlated with the possibility of applying without

⁷ This regulation corresponds to the content of Article 63 (1) of the Act of 4 June 1960 – Code of Administrative Procedure, Journal of Laws of 2023, item 775 [hereinafter: CPA], which refers to applications recorded in electronic form. Changes dictated by the entry into force of the Act of 18 November 2020 on electronic deliveries, Journal of Laws of 2023, item 285, reducing the communication of a public administration body with an entity and an entity with the authority to documents in electronic form, despite different nomenclature does not eliminate the assumption that this documentation has the characteristics of an electronic document, as any content stored in electronic form, as referred to in Article 3 point 35 Regulation No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/WE, Journal of Laws of the European Union L 257 of 28 August 2014, p. 73-114 [hereinafter: eIDAS Regulation]. See Jaśkowska, Wilbrandt-Gotowicz, and Wróbel 2023.

⁸ This device guarantees the integration of data representing the applicant's handwritten signature with a document recorded in electronic form constituting an application for the issuance of a passport document (Article 32 (2) of the u.d.p.).

a personal visit to the office, based on the consul's consent. This is when the application, which takes the form of a paper application bearing a handwritten signature authenticated by a notary or passport authority, is submitted to the consul. However, in this case, the legislator, to emphasize the importance of the informatisation process, provides the basis for requesting a letter in an electronic form bearing a qualified electronic signature, a trusted signature or a personal signature.⁹ The legislator equates the validity of the three categories of electronic signature, giving individuals the opportunity to choose and adapt their capabilities to the legal regulations (adapting the instrument of authentication available to the interested party in the online space to the statutory requirements).¹⁰ This undoubtedly has a positive effect on average individuals' attitudes towards the informatisation process and at the same time leads to its development. Immediately upon receipt of a paper or electronic application, the passport authority enters the data into the form fixed in electronic form.

The standard, that is, not deviating from the rule, receipt of a passport requires confirmation, which boils down to a signature on the passport document receipt form using a device capable of reproducing the signature. This confirmation (as indicated by the legislator) has the form of a document recorded in electronic form. Significantly, the use by the legislator of a phrase indicating the combination of two legally separate categories (which, from a legal point of view, cannot be treated synonymously), i.e. shape and form, seems to be an unfortunate solution. This refers to the term found in the text of the u.d.p.: the form of a document fixed in electronic form. A better solution would probably be to shape

⁹ For electronic signatures see: Article 3 point 10 and 12 of the eIDAS Regulation, Article 3 point 14a of the u.i.d.p. and Article 2 (1) point 9 of the Act of 6 August 2010 on identity cards, *Journal of Laws of 2020*, item 671 as amended.

¹⁰ A similar equalisation of the categories of electronic signatures and at the same time of documentation fixed in paper and electronic form occurring in the passport documentation application process should be referred to in connection with the required consent for the issuance of a passport document to a person without legal capacity or with limited legal capacity who is under 18 years old. The consent of both guardians of the child (mother and father), as required by law, may be given in writing recorded electronically with a qualified electronic signature, a trusted signature, or a personal signature (Article 43 (2) point 3 u.i.d.p.).

the regulation by referring to the content of the CPA, where the legislator indicates letters and applications recorded in electronic form and then uses the construction of a document recorded in electronic form without reference to the form. This kind of formulation, which is subject to criticism, runs through the rest of the u.d.p. Where it is not possible to use a device capable of reproducing a handwritten signature, the signature shall be applied using the signing of a print-out of an electronically recorded document by the recipient.

2. Legal aspects of the informatisation process for reporting the loss of or damage to a passport document

According to the contents of Article 62 of the u.d.p., the holder of a passport or temporary passport is obliged to immediately report the damage or loss of this document to any (concerning local competence) voivode or consul.¹¹ The legislator, to ensure that the fulfilment of this obligation is as unbureaucratic as possible and to guarantee the possibility of a rapid response to the statutory obligation, provides for as many as four permissible ways of informing about the loss or damage to a passport document. Significantly, as many as three of these cases provide clear evidence of the informatisation of the procedure in question, although in one of these cases, despite the elements inherent in the informatisation process, the need for a personal visit to the office of the public administration body is not waived. This, in contrast to the requirements envisaged concerning the application procedure, where, as a rule, personal appearance in an office may not be abandoned, does not depreciate the process of informatisation in the discussed scope, because an individual, adequately to his/her possibilities and expectations, has the right to choose such a method of procedure, which indicates: full informatisation of the procedure related to reporting the fact of loss or damage, incomplete informatisation,

¹¹ The same obligation is imposed on holders of a diplomatic or service passport, except that a different public administration body is the addressee of such notification (the minister responsible for foreign affairs) (Article 62(2) u.d.p.). If the incident of loss or damage concerns a passport document whose holder is a person who lacks legal capacity or has only limited legal capacity, the obligation to report is incumbent on the mother, father, legal guardian or curator (Article 62(3) u.d.p.).

or a complete choice of traditional procedure, i.e. submitting a paper letter with a notary's signature authenticated by a notary public. The person may choose to use traditional procedures, i.e. a paper document with a handwritten signature authenticated by a notary public. Moreover, although it was probably not a deliberate intention, it may be assumed that the placement of this traditional method of notification in the last place (in point 4 of Article 63(1) of the u.d.p.) among all the admissible possibilities expresses the legislator's emphasis on the importance of those elements which determine the informatisation process in the discussed section of personal administrative law. Undoubtedly, an entity striving for quick and efficient handling of a case will be happy to use the option of submitting a notification using an electronic service made available by the minister responsible for informatisation, or the admissibility of electronic submission of a notification letter – a letter recorded in electronic form bearing a qualified electronic signature, a trusted signature or a personal signature. In these cases (Article 63(1) point 2 and 3 u.i.d.p.), *inter alia* due to the need to differentiate the degree of development of the process in question, the term indicating full computerisation of the activity may be used. However, the legislator also allows for the possibility of personal notification to the passport authority, where, with the assistance of an employee, the form – a document recorded in electronic form – is filled in and signed (incomplete informatisation). If it is not possible to use a device guaranteeing the reproduction of the handwritten signature, the signature may be placed on a print-out of such a form. It is also worth noting that the mere fact of allowing so-called electronic means of communicating the fact of loss or damage to a passport document gives a greater guarantee of the fulfilment of this obligation by the obliged (effective notification). Reasons for this include the fact that the information modalities guaranteed here are characterised by properties that are widely regarded as unengaging and challenging.

A smaller range of choices has been provided by the legislator for reporting the loss or damage of a diplomatic or service passport. However, there can by no means be said to be an abandonment of informatisation in this respect, quite the contrary. Notification may be carried out in person on a form, in the form of an electronically recorded document which is signed using a device guaranteeing the reproduction of the handwritten

signature, or in writing using an electronically recorded form bearing a qualified, trusted or personal electronic signature.

3. Essence, contents and functionalities of the Register of Passport Documents

The passport procedure in its broadest sense requires the collection and processing of a large amount of different types of information. For this reason, the creation and maintenance of an electronic information repository, which concentrates a large amount of data, is intended to facilitate the material and technical operations accompanying the passport procedure and to improve the performance of public tasks. According to Article 78(1) of the u.i.d.p., the Register of Passport Documents is a register maintained in an ICT system, the maintenance and development of which is ensured by the Minister competent for informatisation. Like any other electronic database, the RDP creates a new quality of management of information that has been collected by a public administration body [Haręża 2019]. Ensuring a high degree of integrity of the information, its strong compression, the permissibility of processing large amounts of information and uncomplicated access to, it is a guarantee for efficient and effective passport administration [ibid.].

The RDP collects documents fixed in electronic form bearing a qualified electronic signature, a trusted signature or a personal signature. As the legislator has not rejected paper documentation in the procedure under consideration, the content of the collection in question also covers digital representations of documents in paper form, which are associated with applications for passport documents, with the passport documents themselves or with restrictions on the exercise of the right to hold a passport document. To carry out statutory tasks, the passport authorities – the voivode, the consul, the minister responsible for informatisation and the minister responsible for internal affairs – are guaranteed access to the content of the RDP. This implies the fact of direct real-time data entry by remote transmission,¹² including data on the series and numbers

¹² See more Regulation of the Minister of Digitalisation of 10 November 2022 on the Passport Document Register, Journal of Laws of 2022, item 2297.

of the passport document; data on the status of applications for passport documents and data on the status of the passport document at the personalisation stage and on dispatch to the passport authority; series and numbers of blank passport booklets as well as personalisation stickers for temporary passports (Article 79(1) u.i.d.p.). When it is not possible to enter an application for a passport document into the RDP in real time due to a lack of access to its contents, the application is first “registered” in the application provided by the Minister responsible for informatisation for this purpose, and then feeds the contents of the collection in question once the obstacle has ceased.

As previously mentioned, the electronic nature of the RDP offers the possibility to collect and store an unlimited amount of information, for which reason the data to be processed in the RDP is not subject to deletion except biometric data in the form of individuals’ fingerprints. Such data are retained in this file until a personalised passport, diplomatic passport or service passport has been accepted, and if the passport authority refuses to issue a passport document, the fingerprints are deleted after the passport refusal has been entered in the register. Records in the system logs (logs) are kept for 5 years from the date of their creation (Article 83(4) u.d.p.).

The electronic nature of the collection in question also makes it possible for data to be transferred efficiently to other registers, systems or databases maintained in an ICT system, such as the PESEL register. This functionality of the collection corresponds to the legal definition of the informatisation process, in the light of which informatisation can only be said to occur when there is a rational use of previously entered data in ICT systems to the greatest possible extent, including by other ICT systems [Kotecka 2010, 4]. The internal migration process is generally carried out using IT systems¹³ and takes place in real-time.

¹³ As can be seen from the content of Article 84(5), the transfer of data from the RDP to the Schengen Information System is carried out through the Information System referred to in Article 2 point 11 of the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System, Journal of Laws of 2021, item 1041 as amended. In turn, the transmission of data between the RDP and the Interpol database takes place via an interface allowing automatic access to the Interpol database from national systems processing data on wanted items or persons,

4. Information of the procedure for sharing data collected in the RDP

As a dataset, the RDP contains sensitive information, as it is personal data, i.e. information about an identified or identifiable natural person.¹⁴ Contrary to this, but with the legal stipulations, the legislator provides for the sharing of data collected in the RDP. This sharing can be divided into several categories: 1) providing access to data, including access to micro-data on the passport document or the holder, except biometric data in the form of fingerprints (Articles 86-87, 93 u.d.p.); 2) provision of a service enabling confirmation of the existence or non-existence of a valid passport document containing a specified range of data. This service consists of the comparison of a specific range of data, which has been entered by the entity using the service, and if its addressee is a non-public entity, it has a playable character (Article 89 u.d.p.);¹⁵ 3) providing access to documentation relating to the issue of passport documents (Article 94 u.d.p.); 4) making available information containing a full copy of the data processed in the RDP (Article 95 u.d.p.); 5) providing information on the validity of a passport document using an electronic service provided by the minister responsible for informatisation (Article 96 u.d.p.).

Also of significance in this respect is the guaranteed right of the person whose data is processed in the RDP to inspect the register, the exercise of which boils down to the use of the electronic service made available by the minister responsible for informatisation (Article 95(4) of the u.d.p.).

provided by the National Interpol Bureau in Warsaw, or via data browsing software (Article 84(6) u.d.p.).

¹⁴ Article 4 point 1 of the Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing directive 95/46/WE (General Data Protection Regulation), Journal of Laws of the European Union L 119 of 4 May 2016, p. 1-88.

¹⁵ See Regulation of the Council of Ministers of 10 November 2022 on the amount, manner and deadlines for payment of the fee for confirmation of the existence or non-existence in the Register of Passport Documents of a valid passport document, Journal of Laws of 2022, item 2298.

The catalogue of entities to which the availability of data collected in the RDP is guaranteed is extensive, closed and has been defined by the content of Article 86 u.i.d.p. The authorities in question are the Police, Border Guard, Internal Surveillance Bureau etc. This access is carried out in the mode of data transmission using teletransmission devices after submitting a single application and at the same time declaring the fulfilment of legally defined prerequisites. These conditions are additional restrictions established to guarantee the security of the data collected in the RDP. These consist of the fact that the data subject has the necessary equipment to record who, when and for what purpose obtained the data, and the specific data obtained, and that appropriate technical and organisational safeguards are in place to ensure that the data cannot be used for any purpose other than that for which they were obtained. It is also important for the interested party to demonstrate that access in this manner is justified by the specific nature or scope of the statutorily assigned tasks. The legislator also indicates the elements that should be included in the application for guaranteeing access. The decision on whether or not to guarantee access has been left to the minister responsible for informatisation, although guaranteeing access does not require a decision to be issued by a government administrative body.

Notwithstanding the above, the same central government authority may, upon request and justification based on the specificity or scope of the public tasks to be performed, make available a service providing the opportunity to verify the validity of a passport document. The scope of this data, which should be included in the application, is set out in Article 88(2) of the u.d.p., and the catalogue of entities to which this entitlement is statutorily guaranteed includes the authorities specified in Article 86 of the u.d.p. What is important, however, is that this type of entitlement has a broader and more vaguely defined personal scope. The legislator refers to the right to a service, emphasising that it is also enjoyed by interested parties other than certain public entities. However, these actors, in pursuing their interest, are required to demonstrate a factual interest, i.e. the advisability of their request, and the need they have to guarantee accessibility. In their case, there is also no exemption from the obligation to fulfill the conditions guaranteeing an adequate level of security for the data stored in the RDP. The legislator's emphasis on guaranteeing the security

of the RDP is evidenced, among other things, by the conduct of control activities, as referred to in the contents of the Decree of the Minister of Digitalisation of 9 November 2022 on the control of the use of access to data collected in the Register of Passport Documents.¹⁶

Individual data, i.e. relating to one passport document or one holder only, shall be made available based on a single application by the entity referred to in Article 86 of the u.d.p. These are the previously mentioned public entities. In addition to the traditional paper form, the request may also be in electronic form, in the form of a letter in electronic form bearing a qualified electronic signature, a trusted signature or a personal signature.

As is clear from Article 94 u.d.p., the passport authorities also provide access to documentation that is closely linked to passport documents. It is subject to access upon a justified request of the person to whom the documentation relates. The right to request has also been guaranteed to public entities, the catalogue of which has been placed in Article 86 of the u.d.p., on the condition that obtaining such documentation is justified by the scope of the tasks performed, as specified by the content of specific acts. The documentation covered by such a request shall be copied. A paper or electronic copy of the dossier (a copy of a document fixed in electronic form) or a printout of a digital reproduction from the RDP shall be made available free of charge.

The data subject, as well as the public entities already indicated, may request the passport authority to issue information from the RDP containing a full copy of the data relating to that person whose data is processed in the register. In addition to the traditional form, a request in this respect may also take the form of an electronic letter (an electronically recorded letter) bearing a qualified, trusted or personal signature. The information to be provided may not contain biometric data in the form of fingerprints, but, depending on the applicant's preference, may take the form, like the request itself, of an electronically recorded letter (electronically recorded with a qualified electronic, trusted or personal signature). This type of information may also take the form of a printout from the RDP.

¹⁶ Journal of Laws of 2022, item 2291.

The widest scope of the entitled party as regards the issue of accessibility to the RDP was shaped by the legislator in Article 96(1) u.d.p. It refers to “anyone” who has been guaranteed by the legislator the legitimacy to request information on the validity of a particular passport document made available using an electronic service provided by the minister responsible for informatisation. This entitlement can be implemented provided that the person concerned indicates the series and number of the passport document to be verified. Importantly, access to this type of service is registered and, to guarantee the widest possible access to this type of information is also free of charge.

Summary

Informatisation of the activities of public administration bodies, irrespective of the specific field in which certain activities are carried out for the benefit of individuals, means a breakthrough in particular in terms of mutual communication for the handling of specific matters. New information and communication technologies are opening up new possibilities for conducting and handling matters in an administrative mode [Kwiatek 2020]. This is also apparent in the passport procedure in question, where both parties (authority, applicant) are familiar with the use of electronically signed letters transmitted by electronic means of communication. Although their use does not guarantee, in every case, the so-called depersonalisation [Skoczylas 2020] – the abolition of the obligation to appear in person before a public administration body to a considerable extent leads to the acceleration of the implementation and reduction of costs accompanying these actions. Although the extent of the benefits of the informatisation process concerning the application for and receipt of the passport document appears to be greater on the part of the authority itself than on the part of the applicant (which should be seen as a disadvantage), certain consequences of informatisation in terms of streamlining the procedure are felt on both sides of the procedure. Indeed, informatisation extends the global reach of certain offices [Smidt, Kluyver, Mes, et al. 1990, 323-37]. In addition, with a view to the needs of average individuals and to meet their expectations, the legislator provides the possibility for the minister competent for informatisation to make available

an electronic service, which, in addition to the advantages related to speed, cheapness of performing certain activities, creates what is equally important, namely the possibility of settling a matter remotely irrespective of the time and place in which the person interested in the service is located. The scope of use of its functionalities in this procedure is relatively wide: from the application stage to the activities related to the reception of passport documentation, to the aspects related to making the contents of the RDP available. Although the passport procedure is not devoid of the characteristics of traditional communication between petitioner and authority and authority and petitioner (paper documentation, personal visits to the office), the process of informatisation is ubiquitous within it and will enter further levels of development over the years, a clear manifestation of which is the electronic service already mentioned above. As the information revolution has driven the longest economic expansion [Zanini and Edwards 2001, 29-61], the informatisation of various administrative procedures makes public administration in the eyes of its petitioners friendlier and more useful.

REFERENCES

- Hareża, Adam. 2019. "Komentarz do art. 17 ustawy o pomocy państwa w wychowywaniu dzieci." In *Ustawa o pomocy państwa w wychowywaniu dzieci. Komentarz*, edited by Jolanta Blicharz, Jadwiga Glumińska-Pawlic, and Lidia Zacharko. Warszawa: Wolters Kluwer. Lex. el.
- Cyrul, Wojciech, Jerzy Duda, Janusz Opila, et al. 2014. *Informatyzacja tekstu prawnego. Perspektywy zastosowania języków znacznikowych*. Warszawa: Wolters Kluwer. Lex el.
- Jaśkowska, Małgorzata, Martyna Wilbrandt-Gotowicz, and Andrzej Wróbel. 2023. *Komentarz aktualizowany do Kodeksu postępowania administracyjnego*. Warszawa: Wolters Kluwer. Lex el.
- Koczyłas, Dominika. 2020. "Znaczenie cyberbezpieczeństwa w administracji publicznej." In *Wzorce i zasady działania współczesnej administracji publicznej*, edited by Barbara Jaworska-Dębska, Przemysław Kledzik, and Janusz Sługocki. Warszawa: Wolters Kluwer. Lex. el.
- Kling, Rob, and Suzanne Iacono. 1988. "The mobilization of support for Computerization: The Role of Computerization Movements, Social Problems." *The Sociology of Science and Technology* no. 3:226-43.

- Kotecka, Sylwia. 2010. "Informatyzacja postępowania cywilnego w Polsce." In *Informatyzacja postępowania sądowego i administracji publicznej*, edited by Jacek Gołaczyński, 3-25. Warszawa: C.H. Beck.
- Kwiatek, Błażej. 2020. *Dokument elektroniczny w ogólnym postępowaniu administracyjnym*. Warszawa: Wolters Kluwer. Lex. el.
- Pietrasz, Piotr. 2020. *Informatyzacja polskiego postępowania przed sądami administracyjnymi a jego zasady ogólne*. Warszawa: Wolters Kluwer. Lex el.
- Reiling, Dory. 2010. *Technology for Justice. How information technology can support judicial reform*. Leiden: University Press.
- Sibiga, Grzegorz. 2019. *Stosowanie technik informatycznych w postępowaniu administracyjnym ogólnym*. Warszawa: C.H. Beck. Legalis el.
- ShengQuan, Yu, Minjuan Wang, and Haoyang Che. 2005. "An exposition of the Crucial Issues in China's Educational Educational Informatization." *Educational Technology Research and Development* no. 4:88-101.
- Smidt, Marc, Desirée Kluyver, C. Leo Mes, et al. 1990. "Internationalization, informatization, and organizational change: A profile of banking and business services in the Netherlands." *The Netherlands journal of housing and environmental research* no. 4:323-37.
- Szpor, Grażyna. 2009. „Administracyjnoprawne problemy informatyzacji.” In *Między tradycją a przyszłością w nauce prawa administracyjnego. Księga jubileuszowa dedykowana Profesorowi Janowi Bociowi*, edited by Jerzy Supernat, 717-28. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Tomaszewska, Katarzyna. 2022. "Electronic Service in the Light of Personal Administrative Law Regulations as a Manifestation of Automation of Activity of Public Administration Bodies." *Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego* no. 1:329-48. <https://doi.org/10.32084/bsawp.4413>
- Zanini, Michele, and Sean J.A. Edwards. 2001. "The Networking of Terror in the Information Age." In *Networks and Netwars. The Future of Terror, Crime, and Militancy*, edited by John Arquilla, and David Ronfeldt., 29-61. Santa Monica: RAND Corporation.