Streszczenie rozprawy doktorskiej Mgra Mariusza Rypiny /j. angielski/ pt.: „Udostępnianie informacji publicznej przez podmioty prywatne"

Summary of PhD dissertation by Mariusz Rypina „Sharing public information by private entities".

Although the issue of sharing public information has been the subject of many research and non-research publications, the issue of sharing such information by private entities has not yet been comprehensively discussed. Therefore, the purpose of this dissertation is to comprehensively research and analyse the issue of sharing public information by private entities, starting from international law through constitutional law, and ending with practical aspects of application of statutory regulations.

After a short introduction, the dissertation begins with a historical outline of international regulations on access to public information and the analysis of the legislation applicable in selected foreign countries (i.e. Germany, France, UK and USA) as regards sharing such information by private entities. Further, the scope of obliged entities, the concept of public information, the methods of its sharing and the possibility of refusing to share the information requested are examined under the Polish regulations. The concept of the private entity is also explained in the dissertation. Typical private entities obliged to share public information due to providing public services (e.g. energy undertakings, telecommunications undertakings, public transport operators, municipal economy undertakings, schools and educational establishments, universities, universal health care providers, NGOs) are discussed in detail, and other obliged entities are specified. The dissertation studies in detail the procedural issues related to sharing the requested information as well as the refusal to share such information, including the issuing of administrative decisions by private entities and appealing against the decisions or inaction of private entities to administrative courts. The abuse of the right to public information and aspects of criminal liability for failure to share public information are also analysed.

Although private entities participate in the activities of the broadly understood state (public law community), their role will never be the same as the role played by the authorities or other public entities in this regard. Therefore, the scope of social control over the activities of private entities cannot be the same as the one over the activities of the authorities and public entities. The studies indicate that even though private entities are obliged to share public information, this obligation is limited to the activities in which they perform public functions. These should be understood as providing services of general interests (SGI) under specific public/universal service obligation (PSO/USO) imposed on a private entity by the law, administrative decision or contract concluded with the competent public authority. Imposing obligations on private entities regarding the access to public information must respect the fundamental freedoms and rights of these entities, including their privacy, their information autonomy and economic freedom. It must be proportional to the functions that a particular private entity performs in a public community life.

The last chapter presents the *de lege lata* and *de lege ferenda* conclusions. *De lege lata* conclusions indicate the direction of interpretation of the binding provisions which is closer to the purpose of the regulation on access to public information, i.e. the transparency of the activities of the broadly defined state, and provides protection for the interests of private entities. The main *de lege ferenda* conclusions indicate the need for remodelling of the current statutory regulation, not only to clarify it, but also to adapt it to the normative framework outlined by the constitution-maker.