

THE RULES FOR REUSING PUBLIC SECTOR INFORMATION AT DISTRICT MUSEUM IN NOWY SĄCZ

1. District Museum in Nowy Sącz provides public sector information only concerning the contents developed as a result of its activities.

Public sector information at the Museum concerns, inter alia, visual documentation of museum and archive items (photographs, scans), preliminary surveys on identification data of the collections included in inventories and record sheets, descriptions of collections made for permanent and temporary exhibitions, press releases concerning collections, information on education events, publishing activities and particular publications.

2. District Museum in Nowy Sącz provides the possibility of reusing the information specified in point 1 above by individuals, legal entities and organizational units without the status of a legal entity, for commercial and non-commercial purposes other than the primary public purpose for which the information has been generated, for example in order to make and distribute copies of a work of art or a database, in their entirety or in fragments, and to make amendments and to distribute related works of art, on condition that this does not violate *the Act of 4th February 1994 on Copyright and Related Rights* (uniform text 2018.1191) or *the Act of 27th July 2001 on Database Protection* (Journal of Laws 2001, No 128, item 1402) subject to the rights of the third entities.

3. The following public sector information can be reused:

- a/ information on the BIP (Public Information Bulletin) site of the Museum,
- b/ information on the following website: www.muzeum.sacz.pl,
- c/ information provided as a result of an application for reusing.

4. The public sector information is made accessible and submitted for the purpose of reusing it on the basis of a written application (SAMPLE – ATTACHMENT NO 1) sent by electronic mail to: sekretariat@muzeum.sacz.pl. or by regular mail sent to the following address: *Muzeum Okręgowe, ul. Lwowska 3, 33-300 Nowy Sącz*;

- a) The application should contain all information concerning the applicant and the subject of the application, especially it should indicate:
 - the applicant's data: name and surname or name of the institution, correspondence address, phone number, e-mail,
 - public sector information which will be reused and, if it is already made accessible or provided, conditions on which it is to be reused and the source of access or provision,
 - the purpose for which public sector information will be reused (commercial or non-commercial), including type of activities in which public sector information will be used, in particular, indication of goods, products or services,
 - form of preparing public sector information, and in case of photographs – type and format of photos,
 - the method of providing public sector information.
- b) The application which does not meet the requirements specified in point a above will not be considered if the applicant does not fill in the missing information within 7 days.
- c) The application for providing public sector information is considered immediately, not later than 14 days from the date of receiving the application. If the application cannot be considered in this period, the Museum notifies the applicant, within 14 days, of the causes of delay and provides the date by which it will consider the application, not later than 2 months from the day of submitting the application.

d) The Museum has the right to refuse to agree for the public sector information to be reused only in cases listed in point 6 below or to determine the conditions limiting reusing public sector information listed in point 5b.

5. The terms of reusing public sector information:

a) for information provided at the BIP site of the District Museum in Nowy Sącz and on the website www.muzeum.sacz.pl, where no specific terms for reusing have been provided, in order to reuse information, information users are obliged to:

- inform about the source, time of generating and obtaining information by placing the following clause: *From the collections of the District Museum in Nowy Sącz, catalogue number*
- provide other users with the information in its original form,
- inform about processing the reused information.

b) for information provided at the request, the District Museum in Nowy Sącz has the right to determine, in agreement with the applicant, the terms limiting reusing public sector information in the scope of:

- commercial activity or in specified field of use, if it concerns collections of martyrdom nature and containing the emblem, flag and anthem of the Republic of Poland, coats of arms, reproductions of orders, distinctions and military decorations or other decorations, if they were to be used in a way that affronts the dignity of these symbols,
- non-commercial activity, if they are connected with objects covered by claims of third persons or which do not belong to the Museum,
- public sector information which has features of a work of art or an object of related rights, to which they have material copyright or related rights.

6. The Museum has the right to refuse to give its consent for reusing public sector information concerning:

- a) deposits, if their owners excluded in the agreement the possibility of making them accessible or providing them in their entirety or in defined scope;
- b) objects covered with copyright protection or those to which copyright has not expired, that is those which do not belong to the public domain yet;
- c) providing security to museum items to protect them against fire, theft and other dangers which may lead to the destruction or loss of the collections;
- d) privacy of an individual person or the trade secrets of an entrepreneur;
- e) information which is public sector information, to which access is limited on the basis of other provisions of law;
- f) public sector information whose generation by the District Museum in Nowy Sącz does not belong to the scope of its public tasks as specified by the law.

The Head of the Museum may decide to refuse to give the consent for reusing public sector information if the implementation of the application would require disproportionate activities on the Museum side, exceeding its simple activities.

7. Fees for reusing public sector information.

1. Making accessible and providing public sector information is free of charge.
2. Direct access to digitized images of the collections by electronic means is free of charge.

3. The District museum in Nowy Sącz may charge a fee for reusing public sector information in the following cases:

a/ making the image of the collections using IT data carriers

In justified cases the Head of the District museum in Nowy Sącz may determine the reduced fee or exempt from paying the fee for the image of the collections using the IT data carriers.

b/ incurring additional costs directly related to preparing or providing public sector information in the way or form indicated in the application for reusing.

c/ using public sector information for other than commercial purposes of research, scientific or educational nature.

Such fees reflect direct costs (related to giving the form and providing information) and indirect costs (costs of collecting, reproducing, distributing, protecting and determining the rights). The total amount of the fee cannot exceed the sum of the above costs and a reasonable return on investment, not higher however, than 5 percentage points above the reference rate of the National Bank of Poland.

The Regulation of the Minister of Culture and National Heritage of 5th July 2016 determines the maximum fees for reusing public sector information charged by state museums and self-government museums in other than commercial purposes of research, scientific and educational nature.

4. Discounts and exemptions from fees for images of collections in form of scans, digital photographs, photos, black and white and color printout.

Pupils, students, independent scientists, staff of scientific institutions – 40% discount.

On condition they provide a letter of recommendation from their school, university, institution conducting scientific research.

In justified cases the Head of the District Museum in Nowy Sącz may determine another discount fee or exempt from fee.

5. The pricelist for reusing public sector information (ATTACHMENT NO 2) reflects the flat rate costs of preparing and providing information for the applicant.

6. The fee for making the images of the collections is collected before sending/receiving them. Information on the fees is sent via e-mail or via traditional post.

Fees for rendering the service may be paid at the cash desk of the Museum or by bank transfer to the bank account number 40 1500 1559 1215 5000 8864 0000.

7. The Ordering Party has 30 days from the date of receiving the image of the collections to raise objections concerning their performance. After that period no claims will be dealt with.

8. All works connected with photographing, scanning, copying and filming are performed exclusively by the Museum staff. In exceptional cases, for example, when a film is made by specialist studios, this is preceded by the consent of the Head of the District Museum in Nowy Sącz, given in a separate contract.

8. Responsibility of the District Museum in Nowy Sącz

The District Museum in Nowy Sącz is not responsible for:

a/ Losses caused by obtaining public sector information or reusing public sector information which violates the terms of providing and reusing public sector information included on the website of the Public Information Bulletin (BIP) of the District Museum in Nowy Sącz, provided at the request or obtained in any other way.

b/ Losses caused by further provision of public sector information by entities reusing it, violating the provisions of the valid law, including further provision of public sector information which violates the provisions regulating its protection, for example provisions of the Act on Copyright and Related Rights, the Act on Database Protection, the Act on Personal Data Protection and the Act on Confidential Information Protection, etc.

9. Legal measures available in the event of a refusal to provide public information for the purpose of reusing it, to determine the terms for reusing it or the amount of fees:

1. The applicant who received an offer containing terms for reusing public information and the amount of fees for reusing public information may, within 14 days from the date of receiving the offer, submit its objections due to the violation of the provisions of the law or notify the District museum in Nowy Sącz of its decision to accept the offer. The lack of the notification of accepting the offer within 14 days from the date of receiving an offer is equivalent to withdrawing the application. In the event of receiving objections, the District Museum, by means of a decision, determines the terms of reusing public information or the amount of fees.

2. In the scope not regulated by the law, the decision to refuse to give consent to reusing public sector information and the decision concerning terms of reusing or the amount of fees for reusing information are based on the provisions of *the Act of 14th June 1960 – Administrative Procedure Code* (Journal of Laws 2016, item 23).

3. For the complaints dealt with in proceedings concerning reusing information the provisions of *The Act of 30th August 2002 – The Law on Proceedings Before Administrative Courts* (Journal of Laws 2016, item 718) apply, subject to the following provisions:

a. the case file and the reply to the complaint are submitted within 15 days from the date of receiving the complaint

b. the complaint is dealt with within 30 days from the date of receiving the case file and the reply to the complaint.

10. In the scope not covered by the above regulation the principles of providing public sector information for its reuse were normalized in detail in:

- The Act of 25th February 2016 on Reusing Public Sector Information (Journal of Laws 2016, 352)

- The Regulation of the Minister of Culture and National Heritage of 5th July 2016 on Maximum Rates of Fees for Reusing Public Sector Information Charged by State Museums and Self-Government Museums (M.P from 2016, item 1011)

- The Act on Museums of 21st November 1996 ((uniform text Journal of Laws 2018.1000), Article 25, Article 25a

- The Act on Digitization of the Activities of Entities Performing Public Tasks of 17th February 2005 (Journal of Laws 2017, item 570, Article 25 point 4).

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**Head of the District Museum
in Nowy Sącz**

**Attachment No 1
Sample APPLICATION for reusing public sector information possessed by the District
Museum in Nowy Sącz**

**APPLICATION
FOR PROVIDING ACCESS TO PUBLIC SECTOR INFORMATION**

concerning, inter alia, visual documentation of the museum and archive items, preliminary research, descriptions of collections, education events, publications

I. DISTRICT MUSEUM IN NOWY SĄCZ, UL. LWOWSKA 3, 33-300 NOWY SĄCZ

II. APPLICANT

.....
name and surname/name of institution, residential address/registered office

.....
phone number

.....
e-mail

.....
NIP (Tax Id. No)

III. On the basis of Article 5 of the Act of 15th March 2016 on reusing public sector information I hereby apply for

(Please select point a or b):

a/ providing me with access to public sector information concerning:

To be filled by the applicant to whom the public sector information they apply for has not been made accessible or provided.

b/ using public sector information which has already been provided or made accessible, which concerned:

To be filled by the applicant who possesses public sector information and intends to use it again on different terms than specified earlier

IV. The purpose of reusing public sector information

Please tick the correct box

a/ commercial purpose

b/ non-commercial purpose

Defining the type of activity in which public sector information will be used, especially indicating goods, products or services (for example the title of scientific paper, publication, film, product, etc)

V. Form of preparing public sector information

Please tick the correct box

a/ photocopy

b/ DVD

c/ CD

d/ access to viewing information in the museum

e/ scan

file extension (tiff ; jpg Please tick the correct box

resolutiondpi Please indicate the ordered resolution

f/ photograph

file extension (tiff ; jpg Please tick the correct box

resolutiondpi Please indicate the ordered resolution

g/ text

h/ another data carrier – please

indicate.....

VI. Method of providing public sector information

Please tick the correct box

a/ by post to the following

address.....

b/ personal collection.....

c/ by electronic mail (e-mail) sent to the e-mail

address.....

I hereby declare that I have acquainted myself with the terms of using public sector information which the application concerns, made accessible on the website of the Public Information Bulletin (BIP) of the District Museum in Nowy Sącz. I hereby declare to observe these terms.

Protection of Personal Data Information Clause (*concerns individual persons)

According to Article 13 of the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27th 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/EC (hereinafter referred to as GDPR) and the Act of 10th May 2018 on Protection of Personal Data (Journal of Laws 2018.1000), the District Museum in Nowy Sącz hereby presents the basic information concerning the processing of the Applicant's personal data:

The Administrator of the Applicant's personal data is the District museum in Nowy Sącz, with its registered office in Nowy Sącz, which can be contacted in the following way:

- address: 33-300 Nowy Sącz, ul. Jagiellońska 56
- e-mail address: sekretariat@muzeum.sacz.pl
- phone number: 18 443-77-08

In all matters related to the processing of personal data and exercising the rights related to data processing you can contact us at the following address:

e-mail: sekretariat@muzeum.sacz.pl or in writing – correspondence address being the address of the museum's registered office.

Detailed data of the administrator can be found at our website: www.muzeum.sacz.pl

The administrator processes the Applicant's data for the following purposes:

- fulfillment of the legal obligation vested upon the Administrator in connection with dealing with the application (legal foundation: Article 6 section 1 letter b) and c) GDPR),
- archival, statistical, reporting purposes,
- claiming dues,

(Legal foundation for processing data for the above purposes: Article 6 section 1 letter f) GDPR- legally justified interest of the Administrator).

The Applicant's personal data shall be processed and stored for the period necessary to accomplish the above goals, in line with the criteria defined in the provisions of law.

THE PURPOSE OF THE PROCESSING	THE PERIOD OF STORING DATA
Fulfillment of the application by the Administrator (Article 6 section 1 letter b) GDPR)	For the period necessary to fulfill the application and after that time, for the period stipulated by the provisions of law to secure potential claims
Fulfillment of the legal obligation vested upon the	Until the Administrator fulfills these obligations

Administrator in connection with the execution of the contract (Article 6 section 1 letter c) GDPR)	
In the event of processing personal data for the fulfillment of the legally justified interests of the Administrator, including: <ul style="list-style-type: none"> • statistical purposes, • internal reporting purposes, • archival purposes, • claiming dues purposes 	Until the legally justified interests of the Administrator are fulfilled or until the time an objection is lodged against such processing by the Applicant

The Administrator hereby informs that the Applicant has the following rights:

- 1) to access the content of their personal data (Article 15 GDPR)
- 2) to rectify (correct) incorrect data (Article 16 GDPR)
- 3) to remove data processed wrongfully or illegally (the right to be forgotten –Article 17 GDPR)
- 4) to limit the processing of data (that is to stop the operations on data or not to remove data – in line with the submitted application – Article 18 GDPR)
- 5) the right to lodge an objection against data processing in the events stipulated in Article 21 of the GDPR, which means that regardless of the rights listed in this document, the Applicant may at any time lodge an objection against processing personal data if the basis of using data is our legally justified interest or public interest. In this situation, having considered the Applicant's objection, we will not be able to process the Applicant's personal data covered with the objection unless we substantiate the existence of legally justified foundations for processing, superior to the interests, rights and freedoms of the data subject, or the foundations for determining, pursuing or defending claims
- 6) the right to transfer the automatically processed data on principles defined in Article 20 of the GDPR, which means the Applicant has the right to demand that the Applicant's personal data be sent by us directly to another administrator, if this is technically feasible
- 7) the right to withdraw the consent at any time, without affecting the conformity to the law for the processing which was done on the basis of the consent before it was withdrawn (if the processing is conducted on the basis of Article 6 section 1 letter a) or Article 9 section 2 letter a of the GDPR)
- 8) the right to lodge a complaint to the supervising authority – if the Applicant claims that the processing of the personal data violates the provisions of the GDPR. The relevant authority is the Chairman of the Personal Data Protection Office.

The data provided for the purpose of implementing the application is provided on a voluntary basis.

The Applicant hereby declares that they have read the above information clause on the processing and protection of their personal data by the District Museum in Nowy Sącz and they express their consent for the processing of their personal data.

.....
place, date

.....
applicant's signature

Attachment No 2

Pricelist for reusing public sector information – flat rates

<i>No</i>	<i>Form of making the information accessible</i>	<i>Price in PLN</i>	<i>Discounted price 40%</i>
1.	As a scan or digital photograph (1 piece), recorded on a digital data carrier or sent via e-mail		
	Net	46,34	
	VAT 23%	10,66	
	Gross	57,00	34,20
2.	As a photograph (1 piece)		

	-in format not larger than 50x60 cm Net VAT 23% Gross	43,09 9,91 53,00	not applicable
3.	As a paper copy or color printout - in A4 format – 1 page Net VAT 23% Gross	18,70 4,31 23,00	13.80
	- in A3 format – 1 page Net VAT 23% Gross	21,95 5,05 27,00	16.20
4.	As a paper copy or black and white printout - in A4 format – 1 page Net VAT 23% Gross	15,45 3,55 19,00	11,40
	- in A3 format – 1 page Net VAT 23% Gross	18,70 4,30 23,00	13,80
5.	As sound or image recorded on the digital data carrier – for each started hour of recording Net VAT 23% Gross	43,90 10,10 54,00	nie dotyczy
6.	Thematic preliminary research in the museum (also in the library or archives) for commercial purposes net – for 1 hour of an employee’s work exempted from VAT *) Gross <i>*)exemption on the basis of Article 43 section 1 point 33a) of the Act on Tax on Goods and Services from 11.03.2004</i>	34,00 - 34,00	nie dotyczy