PROVISION OF COLLECTIONS UPON REQUEST AND UNDER PUBLIC SECTOR INFORMATION AND RESEARCH ENQUIRIES

§1.
The rules for reusing public sector information at Museum of Nowy Sącz Land

1. Museum of Nowy Sącz Land 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. Museum of Nowy Sącz Land 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 2017.880)* or *the Act of 27th July 2001 on Database Protection*, 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 Ziemi Sądeckiej, ul. Jagiellońska 56, 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 Museum of Nowy Sącz Land 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* **Museum of Nowy Sącz Land**, *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 Museum of Nowy Sącz Land 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 **Museum of Nowy Sącz Land** does not belong to the scope of its public tasks as specified by the law.

Director of the Museum of Nowy Sącz Land 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 Museum of Nowy Sącz Land 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 Director of the Museum of Nowy Sącz Land 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 Director of the Museum of Nowy Sącz Land.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 *Director of the Museum of Nowy Sącz Land,* given in a separate contract.

8. Responsibility of the Museum of Nowy Sącz Land

The Museum of Nowy Sącz Land 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 Museum of Nowy Sącz Land, 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 Museum of Nowy Sącz Land 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 Museum of Nowy Sącz Land, 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 11 August 2021 on Open Data and the Re-use of Public Sector Information,
- Regulation of the Minister of Culture and National Heritage of 23 January 2023 on the Maximum Rates of Charges for the Re-use of Public Sector Information Imposed by State Museums and Local Government Museums,
- The Act on Museums of 21st November 1996,

- The Act on Digitization of the Activities of Entities Performing Public Tasks of 17th February 2005,
- The Act of 25 October 1991 on the Organisation and Conduct of Cultural Activity.

§2.
Making Collections Available for Research Purposes at the Premises of the Museum of Nowy Sącz Land

1. A research visit to the Museum involves making selected items from the Museum's collections physically available to the Applicant or providing information about collections owned by the Museum, on a date agreed upon by both parties, on the basis of a written application (template - Appendix A).

2. The Museum shall not make the following collections or items physically available for consultation:

a) items undergoing a collection audit (inventory verification or physical stocktaking);
b) items undergoing conservation treatment;
c) items undergoing digitisation;
d) items undergoing cataloguing and inventory registration;
e) items being subject to scholarly research and examination by Museum staff;
f) items subject to special preservation requirements, where their relocation could adversely affect their condition;
g) items requiring special preservation due to their fragile nature, including glass plate negatives;
h) documents without pagination. This requirement may be waived in the case of bound items, provided that any loose or detached components forming part of such items (e.g. loose maps inserted in a book) are marked in a manner that enables their completeness to be verified;
i) items held by the Museum on deposit;
j) items in cases provided for by applicable law.

3. The Museum shall not make collections available for consultation in its storage facilities.

4. During the research visit, the Applicant may take photographs of selected items solely for personal, private use, without the right to publish or otherwise disseminate such photographs, in accordance with the Act of 4 February 1994 on Copyright and Related Rights.

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Director of the Museum of Nowy Sącz Land.