

The summary of doctoral thesis: Protection of personal data in notarial activities

The issue of personal data protection is related to the constitutionally guaranteed human right to protect its privacy. The right to privacy is included in human rights of the first generation, and the sphere of privacy of life as a separate legal right is currently protected in most modern legal systems. Relevant legal regulations have also been introduced into the Polish legal system. The need to protect personal data and the regulation of their acquisition, collection and processing increased with the growing popularity of IT systems that give the possibility of storing data in huge amounts. Therefore, it was necessary to introduce a legal regulation that would cover the problem of storing, sharing and protecting personal data in a complete, comprehensive manner. Regulation of this type was introduced in Poland by the Act of 29 August 1997 on the protection of personal data. The purpose of this law was to create legal protection of the privacy of citizens by ensuring the security of personal information stored in structured collections held by various institutions. Threats to privacy in this area result not only from the fact of collecting information, but also from the involvement of technology in the process of their collection and processing. Automation and computerization of data processing facilitated the use of collections on the one hand, but on the other hand they increased the risk of disclosing personal data to unauthorized or even accidental entities. The EU reform of data protection was the answer to the need to introduce new, uniform legal regulations in the field of personal data processing. European law legislator Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC introduced new regulations in this area , trying to harmonize the law and adapt them to current needs. Due to the necessity to introduce new regulations to the Polish legal system, adapted to the legal solutions of the EU legislator - a new act was adopted regarding data protection - the Act of 10 May 2018 on the protection of personal data. This Act ensures the application of Regulation (EU) 2016/679 of the European Parliament and of the Council, which is directly applicable in the Polish legal order and has been applicable since May 25, 2018.

Particular attention should be paid to the use of personal data and to ensure the security of these data in the professional activity of lawyers, especially notaries. The Notary is to guarantee the safety of legal transactions, and notaries, as persons of public trust, perform tasks of a special nature from the point of view of public tasks, guided by concern for the public interest, while

ensuring the safety of business and private interest. The thematic scope of ensuring the security of personal data protection and related obligations as part of the notarial activity overlaps with the scope of notarial secrecy. The notary is obliged to keep secret the circumstances of the case about which he has received a message because of the notarial activities carried out. The notarial secret is therefore the basic factor determining the guarantee of confidentiality. Obligations of notaries, arising from the necessity of professional secrecy, as well as related to ensuring information security and personal data protection, collected and processed in the broadly understood notary activities, are closely related to each other.

The dissertation is an attempt to monograph the issue of the legal protection of personal data in the notarial activity. A detailed analysis and unambiguous definition of the key concept in this respect – „personal data”, systematization of other terms regarding the processing and data protection issues as well as the presentation of a historical outline and the origin of the establishment of a protection institution in the Polish legal system - are necessary for full, comprehensive elaboration of this subject. personal data. These considerations will be the basis for the analysis and attempts to correctly interpret legal regulations regarding this matter and their detailed application in a specific professional activity - the work of a notary public. The title of the doctoral dissertation understood as a research problem concerns primarily the analysis and interpretation of the Constitution provisions concerning such important issues as: individual rights, sphere of the status of an individual, civil rights and freedoms and other important statutory regulations, mutual relations of legal regulations concerning personal data protection, as well as surveys of citizens' trust in notaries as persons of public trust and guarantees of notarial secrecy. The scientific goal of the doctoral dissertation is the need to find answers to several important theoretical questions regarding the protection of personal data in the notarial activity and professional secrecy of notaries, the presentation of basic principles for correct interpretation and application of notary secrecy institutions and showing the relationship of constitutional norms and mutual relations of statutory regulations regarding the subject matter. The aim of the dissertation is also to answer the question whether personal data protection in a notary's professional activity is sufficient, whether the constitutional right to privacy and data protection is implemented and whether the notary's secret and the notary's statutory duties do not conflict with the provisions on data protection. The analysis of legal regulations concerning the issues in question, case law in this matter, as well as the issues of many problems and controversies in practice, will lead to attempts to develop appropriate legal and practical mechanisms that will enable them to be resolved.

Chapter one - Professional notary's secrecy - legal structure - is descriptive, theoretical. It was devoted to discussing the basic concepts of professional secrecy, notarial secrecy as a kind of professional secrecy and its scope. Chapter two - Legal regulation of personal data protection. The scope of personal data protection - it is intended to discuss the scope of subject and subjective protection of personal data. Chapter three - Personal data protection - legal structure - basic concepts - serves to describe and explain the essence and scope of the personal data and legal aspects of their protection. The fourth chapter concerns the presentation of the duties of notaries in the field of personal data protection. The fifth chapter presents selected problems related to the protection of personal data in notarial activities.

It should be emphasized that issues related to the protection of personal data refer to very important, key issues - concerning human rights, protection of privacy, constitutionally guaranteed rights. At the same time, they are a relatively new field, still inadequately developed and researched - in comparison to other areas of law, and therefore there are a number of problems in this matter at the theoretical, interpretative and practical level. Above all, however, the issue of personal data protection is an area that is constantly evolving and requires analysis and interpretation of updated legal regulations.