

**ACT**  
**of 18 December 1998**  
**on the Institute of National Remembrance -**  
**Commission for the Prosecution of Crimes against the Polish Nation**

**(Journal of Laws, 19 December 1998)**

Having regard for:

- the preservation of the memory of the magnitude of the number of victims, the scale of the loss and damage suffered by the Polish Nation in the Second World War and thereafter,
  - the patriotic traditions of the struggle of the Polish Nation with the occupying forces of Nazism and communism,
  - the acts of citizens aimed at securing the independence of the Polish Nation and defending freedom and human dignity,
  - the obligation to prosecute crimes against peace and humanity as well as war crimes,
  - and the duty of our state to provide compensation to all persons suffering injury through state violation of human rights -
    - the expression of our conviction that no unlawful action of the state against its citizens may be kept hidden in secrecy or allowed to be forgotten,
- It is hereby resolved as follows:

**Chapter 1**  
**General provisions**

**Article 1**

This Act shall govern:

1. the registration, collection, access, management and use of the documents of the organs of state security created and collected between 22 July 1944 and 31 December 1989, and the documents of the organs of security of the Third Reich and the Union of Soviet Socialist Republics concerning:
  - a) crimes perpetrated against persons of Polish nationality and Polish citizens of other ethnicity, nationalities in the period between 1 September 1939 and 31 December 1989:
    - ω Nazi crimes,
    - ω communist crimes,
    - ω other crimes constituting crimes against peace, crimes against humanity or war crimes,
  - b) other politically motivated repressive measures committed by functionaries of Polish prosecution bodies or the judiciary or persons acting upon their orders, and disclosed in the content of the rulings given pursuant to the Act of 23 February 1991 on the Acknowledgement as Null and Void Decisions Delivered on Persons Repressed for Activities for the Benefit of the Independent Polish State (Journal of Laws of 1993 No. 34, item 149, of 1995 No. 36, item 159, No. 28, item 143, and of 1998 No. 97, item 604),
  - c) the activity of the organs of state security referred to in Article 5,
2. the rules of procedure as regards the prosecution of crimes specified in point 1 letter a),
3. the protection of the personal data of grieved parties, and
4. the conduct of activities as regards public education.

**Article 2**

1. In the understanding of this Act, communist crimes shall be: acts committed by functionaries of the communist state in the period between 17 September 1939 and 31 December 1989, consisting in the use of repressive measures or other violations of human

rights or in connection with their use with respect to individuals or groups of people; or acts which already constituted crimes in the understanding of the Polish Penal Act in force at the time of the perpetration of the crime.

2. In the understanding of this Act the functionary of the communist state shall be a public functionary or a person enjoying the protection equal to that of a public functionary, including, in particular, state functionaries and persons occupying high-ranking positions within the statutory body of the communist parties.

#### Article 3

(1) Crimes against humanity shall be, in particular, crimes of genocide in the understanding of the Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 (Journals of Laws of 1952 No. 2, items 9 and 10, and No. 31, item 213, and of 1998 No. 33, item 177), and other serious persecutions on account of the persecuted persons belonging to a specific national, political, social, ethnic or religious group, provided such crimes have been committed, instigated or tolerated by public functionaries.

#### Article 4

1. (2) The crimes referred to in Article 1 point 1 letter a) which, according to international law, are crimes against peace, humanity or war crimes shall not be barred by the statute of limitations.

1a. (3) In the understanding of Article 2, the running of the period of limitation for communist crimes which are not war crimes or crimes against humanity, commences on 1 January 1990. Such crimes shall cease to be punishable - after 30 years where an act constitutes the crime of homicide, and after 20 years where an act constitutes a different communist crime. Article 4, Paragraph 1 of the Penal Code shall not apply.

2. Where the crimes enumerated in Article 1 point 1 letter a) have been perpetrated against persons other than Polish citizens and if these crimes have been perpetrated in the territory of the Polish State, they shall also be the object of the activity of the bodies established by this Act.

3. The regulations of acts and decrees issued before 7 December 1989 and providing for amnesty or abolition shall not apply to perpetrators of war crimes, crimes against humanity or communist crimes.

#### Article 5

1. In the understanding of this Act, organs of state security shall be:

- 1) the Public Security Department of the Polish Committee for National Liberation,
- 2) the Ministry for Public Security,
- 3) the Committee for Public Security Affairs,
- 4) organisational units subordinate to the bodies mentioned in points 1-3,
- 5) the organisational units of the Security Service of the Ministry of Interior and subordinate field units in provincial and district administration and equivalent headquarters of the Civic Militia and in provincial, regional and equivalent offices of internal affairs,
- 6) the Frontier Guards Reconnaissance Unit,
- 7) the Central Board of the Internal Service of the military units of the Ministry of Internal Affairs and subordinate units,
- 8) the Intelligence Services of the Polish Army, the Board of the Intelligence Services of the High Command of the Polish Army, the Head Office of the Intelligence Services of the Polish Army, the Central Board of the Intelligence Services of the Polish Army and units subordinated to these bodies,
- 9) the Army Security Service,
- 10) the Second Directorate of the Central Staff of the Polish Army,

11) other services of the Armed Forces conducting operational and intelligence activities or intelligence gathering activities, including activities with regard to types of weapons and in military regions.

2. In the understanding of this Act, organs of state security shall also include units of the Ministry of Internal Affairs which by law were subject to dissolution upon the establishment of the Office for State Protection, including units which were predecessors thereof.

3. In the understanding of this Act, organs of state security shall also include civilian and military bodies and institutions of foreign states with tasks similar to those of the bodies referred to in clause 1.

#### Article 6

1. In the understanding of this Act, an grieved party shall be a person about whom the organs of state security collected information on the basis of data collected intentionally and secretly.

2. In the event of the grieved party being deceased, his/her rights issuing from this Act shall be vested in his/her closest person in the understanding of Article 115 Paragraph 11 of the Penal Code. This regulation shall not apply if there is evidence that this would be inconsistent with the will of the grieved party.

3. A person who subsequently became a functionary, or an employee or collaborator of the organs of state security shall not be deemed an grieved party.

#### Article 7

In the understanding of this Act, a document shall be any object or record on a computer information carrier referred to in Article 115 Paragraph 14 of the Penal Code.

#### Chapter 2

The Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation and its Bodies

#### Article 8

1. For the purpose of the performance of the tasks specified in Article 1, the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation, hereinafter referred to as the Remembrance Institute, is hereby established.

2. The Remembrance Institute shall be financed by the state budget in which it constitutes a separate part.

3. (4) The organisation of the Remembrance Institute, to the extent not regulated by this Act, shall be defined by the statute adopted by the Council of the Remembrance Institute upon the request of the President of the Remembrance Institute.

#### Article 9

1. The Remembrance Institute shall be managed by the President of the Remembrance Institute.

2. (5) The President of the Remembrance Institute shall, in his/her office, be independent of state authorities.

#### Article 10

1. (6) The President of the Remembrance Institute shall be appointed and dismissed by the Sejm (Lower House) of the Republic of Poland by a majority of 3/5 votes and with the consent of the Senate, at the request of the Council of the Remembrance Institute. The Council of the Remembrance Institute shall present a candidate who is not a member of the Council.

2. (7) The term of office of the President of the Remembrance Institute shall be five years from the day of the President's taking the oath. After the lapse of the term in office, he/she shall perform the duties of President until the new President of the Remembrance Institute assumes office.

3. (8) Not earlier than six months and not later than three months before the lapse of the term in office of the President of the Remembrance Institute, the Chairman/Chairwoman of the Council of the Remembrance Institute shall announce a public competition for that office, in accordance with the principles and the procedure defined by the Council of the Remembrance Institute. In the event of the office of the President of the Remembrance Institute being vacated for any other reason, the time limit for nominating candidates for the competition for that office shall be 30 days from the competition announcement. Interviews of the candidates for the office of the President of the Remembrance Institute shall be public.

4. The same person may not be the President of the Remembrance Institute for more than two consecutive terms in office.

#### Article 11

1. A Polish citizen with high moral standing and knowledge conducive to the work of the Remembrance Institute may be appointed to the office of the President of the Remembrance Institute.

2. No person who has served, worked or collaborated with the organs of state security listed in Article 5 and no judge who in a judicial decision has offended the respect of their office, acting contrary to the independence of the judiciary, may be appointed to the office of the President of the Remembrance Institute.

2a.. Person with regard to whom there is evidence in state archive or archives of the Institute of any circumstances mentioned in point 2 shall not be appointed to the office of the President of the Remembrance Institute.

2b. (10) Neither may a person be appointed to the office of the President of the Remembrance Institute whose activity has been connected with the access to state secrets or, being under the protection of state secrecy, is prevented from making a thorough protected by state secret prevents through presentation of information on the course of such a person's service, work or collaboration be appointed to the office of the President of the Remembrance Institute.

3. The President of the Remembrance Institute may not belong to any political party or trade union, nor may he/she conduct any public activity in conflict with the dignity of his/her office.

4. The President of the Remembrance Institute may not perform any professional activities, with the exception of the position of a professor of academic school 5. The office of the President of the Remembrance Institute may not be combined with a seat in the Sejm or Senate.

6. The conditions referred to in clauses 1, 2, 3 and 5 should also be fulfilled by the public prosecutors and employees of the Remembrance Institute, including the members of the Council of the Remembrance Institute.

#### Article 12

(11) Prior to the commencement of performing his/her duties, the President of the Remembrance Institute shall take the following oath before the Sejm of the Republic of Poland:

"I do solemnly swear, in the capacity at the position of the President of the Remembrance Institute entrusted with me, to serve the Polish Nation loyally, to uphold the law, to perform the duties of my office conscientiously and to be guided in my actions by the principles of dignity and integrity."

The oath may be taken with the following sentence added: "So help me God!"

#### Article 13

The Council of the Remembrance Institute shall request the dismissal of the President of the Remembrance Institute, by a majority of votes cast, if the President:

1. has resigned from the office,
2. has become permanently unfit to perform the duties of the President of the Remembrance Institute due to a disease, infirmity or loss of strength,
3. has been convicted by a valid court judgment of criminal intentional offence prosecuted ex officio,
4. (12) does not perform his/her duties imposed by this Act, or acts to the detriment of the Remembrance Institute.

#### Article 14

The President of the Remembrance Institute may not, without the prior consent of the Sejm of the Republic of Poland, be called to criminal liability or deprived of liberty. The President of the Remembrance Institute may not be detained or arrested, except if being caught in the act of committing a crime and his/her detention being necessary to ensure a proper course of justice. Such a detention shall be immediately brought to the attention of the Speaker of the Sejm, who may order the immediate release of the detainee.

#### Article 15 (13)

1. The Council of the Remembrance Institute shall be formed within the Remembrance Institute. A Polish citizen of high moral standing and knowledge conducive to the work of the Remembrance Institute may be a member of the Council of the Remembrance Institute.
2. The Council of the Remembrance Institute shall be elected for a term of seven years. The term in office shall commence on the day of the Council's gathering for its first session.
3. The Council of the Remembrance Institute shall consist of eleven members elected by the Sejm of the Republic of Poland by an absolute majority of votes, provided, however, that two candidates shall be proposed by the National Judiciary Council.
4. Membership in the Council of the Remembrance Institute shall expire as a result of the following:
  - 1) death of member,
  - 2) resignation,
  - 3) conviction for a criminal offence,
  - 4) dismissal by the Sejm by an absolute majority of votes, at the request of the Council of the Remembrance Institute (adopted by a 2/3 majority of votes cast by the statutory composition of the Council), on account of a long-term disease or the permanent incapacity to perform duties, or on account of the non-fulfillment of the duties required by this Act.
5. The Council of the Remembrance Institute shall elect from among its members a Chairman/Chairwoman of the Council and not more than three Vice-Chairmen/Vice-Chairwomen, for a one-year term.
6. Upon the expiry of membership prior to the lapse of the term of office, the Sejm shall elect a new member for the period until the end of the term in office of the Council of the Remembrance Institute.
7. In return for the performance of their tasks the members of the Council of the Remembrance Institute shall be granted allowances determined by an ordinance of the Prime Minister, and this shall include the reimbursement of costs according to the principles governing business trips throughout the territory of Poland.

#### Article 16

1. The President of the Remembrance Institute shall perform his/her duties with the

assistance of the organisational units of the Remembrance Institute listed in Article 18.  
2. The President of the Remembrance Institute may appoint not more than three deputies.

#### Article 17

1. For the purpose of accomplishing the tasks of the Remembrance Institute in locations being seats of appellate courts, branch offices of the Remembrance Institute, hereinafter referred to as branch offices, are hereby established. In other towns, delegations of the Remembrance Institute, hereinafter referred to as delegations, may be established.  
2. A branch office of the Remembrance Institute shall be headed by the branch office director and a delegation of the Remembrance Institute ω by the head of delegation. Branch office directors and heads of delegations shall be appointed and dismissed by the President of the Remembrance Institute.

#### Article 18

1. Within the Remembrance Institute the following shall be set up:  
1) the Chief Commission for the Prosecution of Crimes against the Polish Nation, hereinafter referred to as the Chief Commission,  
2) the Office for the Preservation and Dissemination of Archival Records,  
3) the Public Education Office.  
2. Within the branch offices the following shall be set up:  
1) branch commissions for the prosecution of crimes against the Polish nation, hereinafter referred to as branch commissions,  
2) branch offices for the preservation and dissemination of archival records,  
3) branch public education offices.  
3. Units for the preservation and dissemination of archival records shall be set up within the delegations.

#### Article 19

1. Public prosecutors of the Chief Commission and branch commissions shall be appointed and dismissed by the General Public Prosecutor at the request of the President of the Remembrance Institute.  
2. The organisational units mentioned in Article 18 clause 1 points 2 and 3 shall be headed by directors appointed and dismissed by the President of the Remembrance Institute.  
3. The organisational units mentioned in Article 18 clause 2 points 2 and 3 and Article 18 clause 3 shall be headed by heads appointed and dismissed by the President of the Remembrance Institute.  
4. The Chief Commission shall be headed by the Chief Commission Director. The Chief Commission Director shall be appointed, from among public prosecutors of the Chief Commission, and dismissed by the Prime Minister at the request of the General Public Prosecutor whose request shall be presented in consultation with the President of the Remembrance Institute. The Chief Commission Director shall be one of the deputies of the General Public Prosecutor.  
5. A branch commission shall be headed by the head of the branch commission. The head of the branch commission shall be appointed, from among the public prosecutors mentioned in clause 1, and dismissed by the General Public Prosecutor at the request of the President of the Remembrance Institute.  
6. No employee of the Remembrance Institute may take up any other professional activity without the consent of the President of the Remembrance Institute.

#### Article 20

1. The employees of the Remembrance Institute shall be obliged to keep confidential all the information connected with the activity of the Remembrance Institute obtained in connection with their employment at the Remembrance Institute, also after the cessation

of their employment.

2. The President of the Remembrance Institute shall specify types of information and categories of employees who may disclose such information in accordance with their official position.

#### Article 21

The President of the Remembrance Institute and the members of the Council of the Remembrance Institute shall be obliged to keep secret the information to which they had access in connection with the functions performed thereby, also after the end of their term in office or the cessation of their membership. This requirement shall not apply to publicly known facts.

#### Article 22

The President of the Remembrance Institute may, in particularly justified cases, allow the disclosure of information constituting state or business secrets or may allow the production of documents or materials covered by state secrecy to be made available, to a specified person or institution, if the preservation of secrecy would prevent the performance of the tasks of the Remembrance Institute defined in this Act.

#### Article 23

1. The President of the Remembrance Institute shall periodically present to the Council of the Remembrance Institute information on relevant issues related to the activity of the Remembrance Institute.

2. In addition to the other tasks defined in the Act, the Council of the Remembrance Institute shall, in particular, present its stance on the following issues:

1) full acceptance of documents on issues referred to in Article 1 for the archival resources of the Remembrance Institute, and the evaluation of their completeness,

2) specification of rules for archiving of documents with regard to evaluation, ordering, dissemination, storage and administration,

3) specification of rules for providing access to documents and rules for their publication,

4) specification of priorities as regards requests of particular persons, institutions, public authority bodies and other entities,

5) evaluation of the Remembrance Institute's policy of prosecuting the crimes referred to in Article 1 point 1 letter a),

6) specification of research projects as regards the development of the activity of organs of state security as well as informing and educating society.

3. The Council of the Remembrance Institute shall approve the annual statement referred to in Article 24 point 1.

4. The Council of the Remembrance Institute shall adopt resolutions by a majority of votes with the requirement that at least half of the statutory number of the Council members be present.

#### Article 24

1. The President of the Remembrance Institute shall, once a year, present an annual statement on the activity of the Remembrance Institute to the Sejm and the Senate.

2. The section regarding the security or defence of the state in the statement referred to in clause 1 may be concealed.

3. The annual statement of the President of the Remembrance Institute shall be made public, excluding the section referred to in clause 2.

4. The President of the Remembrance Institute shall, once a year, present a statement on the matters specified in Article 38 via the Speaker of the Sejm, exclusively to the members of the Sejm Committee for Special Services.

## Chapter 3

### Collection of Documents by the Remembrance Institute

#### Article 25

1. No later than within 60 days following the establishment of the Remembrance Institute, the bodies mentioned below shall be obliged to prepare for submission to the archives of the Remembrance Institute: documents, sets of data, registers and files produced and collected by organs of state security (including security agencies of the Third Reich and the Union of Soviet Socialist Republics) bodies, organs of the prison system bodies, courts and public prosecutor's offices, security agencies of the Third Reich and the Union of Soviet Socialist Republics. This duty shall be incumbent on:

- 1) the Minister of the Interior and Administration and the Head of the Office for State Protection as regards documents, sets of data, registers and files, and files on functionaries, produced or collected until 6 May 1990,;
- 2) the Minister of National Defence as regards documents, sets of data, registers and files of military security bodies, including files on functionaries of such services, produced or collected until 31 December 1990,;
- 3) the Minister of Justice as regards documents, sets of data, registers and files produced or collected by the organs of the prison system until 31 December 1956, documents, sets of data, registers and files produced or collected by the security department of the Central Board of Penal Institutions and units subordinated thereto until 31 December 1989, including penitentiary files on persons repressed for political motives, placed in penal institutions, held in detention or on remand centres and in isolation camps,
- 4) presidents of civilian and military courts as regards files on persons repressed for political motives,
- 5) public prosecutors heading civil and military organisational units of the public prosecutor's office as regards files on cases, including prosecutor's files on the subjects referred to in point 4,
- 6) directors of the New Files Archives and other state archives as regards of files on the former Polish Workers' Party and the former Polish United Workers' Party concerning organs of state security bodies, including the files of the security agencies of occupying states,
- 7) directors of the Archives of New Files and other state archives as regards documents, sets of data, registers and files referred to in points 1-5 and kept in other archives; submission thereof to the Remembrance Institute shall be made on a basis of lending.

2. The submission of files referred to in clause 1, point 6 shall consist of the delivery of copies .

3. The duty specified in clause 1, points 1-5 shall also apply to copies of documents, sets of data and files, irrespective of the date of preparation thereof.

4. The President of the Remembrance Institute may, at any time, demand that the bodies listed in clause 1, as well as other institutions, submit documents not hitherto submitted.

5. The Minister of the Interior and Administration, the Head of the Office for State Protection and the Minister of National Defence may, for the needs of their office, make copies of files on functionaries in service, these files being produced in the periods referred to in clause 1, points 1 and 2 respectively.

6. The President of the Remembrance Institute shall designate for the bodies specified in clause 1, points 1-7 dates for the take-over of documents, sets of data, registers and files referred to in this provision.

#### Article 26

Documents produced in the course of the proceedings specified in the Act of 11 April 1997 on the Disclosure of Cases of Work or Service in State Security Bodies or Collaboration with Them between 1944 and 1990 by Persons Holding Public Office (Journal of Laws No.



70, item 443 and of 1998 No. 113, item 715 and No. 131, item 860) shall be submitted to the archives of the Remembrance Institute upon the valid completion of the legal proceedings in a given case.

#### Article 27

1. After the notification of a relevant governmental, local self-governmental or professional body, the President of the Remembrance Institute may gain access to documents, sets of data, registers and files if there is a justified supposition that they contain information related to the scope of activity of the Remembrance Institute.
2. Anyone in possession of such documents, sets of data, registers and files referred to in Article 25 shall be obliged to notify the President of the Remembrance Institute thereof immediately.
3. Every governmental, local self-governmental or professional body shall be obliged to give immediately to the President of the Remembrance Institute, upon the request thereof, documents, sets of data, registers and files referred to in Article 25, being in the possession of such bodies. This duty shall also apply to the submission of copies.
4. The President of the Remembrance Institute may request that documentation other than that indicated in Article 25 be submitted, irrespective of the date of production or collection thereof, if such documentation is required for the performance of the tasks of the Remembrance Institute specified in the Act.
5. If documents, sets of data, registers or files are necessary for the bodies referred to in clause 3, for the performance of statutory tasks thereof, it may suffice to give the President of the Remembrance Institute copies thereof.

#### Article 28

1. He or she who, without a legal title is in the possession of documents, sets of data, registers and files containing information related to the scope of the activity of the Remembrance Institute, shall be obliged to release the same to the President of the Remembrance Institute immediately.
2. The owner or person holding a legal title to possess such documents, sets of data, registers or files as referred to in clause 1, shall be obliged to provide the President of the Remembrance Institute with access to the same, upon the request thereof, so that copies can be made.
3. The President of the Remembrance Institute may request any foreign persons or institutions for assistance in making documents, sets of data, registers and files available to grieved parties as well as for public education purposes.

#### Article 29

As regards its archival activity, the Remembrance Institute shall collect, keep, prepare and make available documents on crimes, where these documents present facts and circumstances related to the history of the Polish Nation in the years 1939-1989 and inform about casualties and damages sustained.

#### Chapter 4

##### Provision of Access to Documents by the Institute of National Remembrance

#### Article 30

1. An grieved party shall be, at his/her request, be provided with information on documents held and available, which are related to such a party.
2. Everyone shall have a right to inquire at the Institute of National Remembrance whether he/she is a grieved party in the understanding of the Act.
3. an application, to be filed in person, should include a declaration on the status of the applicant (the grieved party in the understanding of Article 6 clause 1 or the closest

person in the understanding of Article 6 clause 2) and data enabling the localisation of documents should be given. One is not obliged to state his/her reasons for applying to access the information.

4. Citizens of foreign countries shall have the right to file applications on basis of the principle of reciprocity .
5. In cases justified by the applicant's health, his/her application shall be collected, at his/her request as mentioned in clause 3, from the place of his/her residence.
6. Upon the filing of the application, the applicant may appoint a proxy to exercise his/her rights arising out of the Act.
7. A person having his/her permanent residence abroad may file the application in person with a Polish consular office, the applicant's signature being required to be legalized by the head of the consular office.

#### Article 31

1. The Remembrance Institute shall inform an grieved party or his/her closest person about the existence in the archives of the Remembrance Institute of documents related to such an individual and the manner of gaining access thereto.
2. The grieved party shall be issued with copies of documents related thereto at the request thereof.
3. The personal data of other grieved parties or other persons on the copies of documents issued pursuant to clause 2 shall not be disclosed, unless this should prove technically impossible. This regulation shall not prejudice the right of the grieved party specified in Article 32.

#### Article 32

1. If the existing or available documents to which the grieved party has had access to or received copies of existent and available documents, and these contain the names of functionaries, employees or the cryptonyms of collaborators of organs of state security who collected or evaluated data concerning the grieved party or the names of those who supervised those collaborators, then, the grieved party, at his/her request thereof, should be given the names and further personal data of such functionaries, employees and collaborators, provided that they can be unequivocally determined on the basis of the documents of the relevant organ of such a state security body. This regulation shall also apply to other persons who denounced the grieved party.
2. No names or other identification data of persons who provided information on common offences shall be issued.
3. In the case of refusal to provide identification data of informers, the denial may be appealed against to the President of the Remembrance Institute.
4.  The Treasury shall bear liability for damage caused to a citizen by an employee of the Remembrance Institute on general principles.
- 5.)  If a claim for compensation of damage caused by an employee of the Remembrance Institute in connection with the Institute's activity is accompanied by a statement on the absence of service, work or collaboration with the organs of state security referred to in Article 5, the court shall relieve the plaintiff of court fees.

#### Article 33

1. A grieved party shall have the right to include his/her own supplements, corrections, updates, clarifications and documents or copies thereof in the set of documents related to such a party. The data already included in the documents shall not, however, be changed.
2. The regulation of clause 1 shall apply respectively to the persons referred to in Article 35.
3. Supplements, corrections, updates, clarifications and documents or copies thereof shall be included in the set of documents with a designation allowing for them to be

distinguished from the documents collected by the Remembrance Institute.

4. A grieved party, at his/her request thereof, shall be issued with objects which at the moment of their loss were his/her property or were in his/her possession, provided such objects are in the archives of the Remembrance Institute.

#### Article 34

1. Seven years after this Act comes into force, a grieved party shall have the right to request that their data to be made anonymous.
2. (16) In justified cases, the President of the Institute may reject the request to make data anonymous if:
  - 1) another person has a legally justified interest in using such data,
  - 2) such data are required for scientific studies,
  - 3) an authorised body of public authorities had presented a request for access to such data.

#### Article 35

1. Functionaries and employees of organs of state security bodies may, at their request, obtain a copy of service or work certificates and a copy of their employer's opinion on such service or work.
2. A functionary, an employee or collaborator of organs of state security, following the prior submission of a statement thereby to the Remembrance Institute on their service, work or collaboration with such organs, shall be informed, at the request thereof, about documents related thereto being available in the archives of the Remembrance Institute.

#### Article 36

Documents containing data on grieved parties or third parties may be used, to the required extent and in a manner not violating the rights of such persons, by public authorities and other institutions, organisations and persons for the following purposes:

1. (17) (repealed),
2. to perform the Act of 24 January 1991 on War Veterans and Certain Persons Being Victims of War and Post-War Repressions (Journal of Laws of 1997 No. 142, item 950 and of 1998 No. 37 item 204 and No. 106, item 668),
3. to perform the Act of 11 April 1997 on the Disclosure of the Cases of Work or Service in State Security Authorities or Cooperation with Them in the years 1994-1990 of Persons Performing Public Functions,
4. to prosecute crimes mentioned in Article 1 point 1 letter a),
5. (18) to carry out scientific research, if approved by the President of Remembrance Institute.

#### Article 37

1. A grieved party may reserve the following right: that the personal data related to the grieved party which are not subject to being made anonymous pursuant to Article 34. clause 1 and which were collected in a secret manner in the course of the operational and examination activities by organs of state security shall not be made available for research purposes for a specified period, in any event not longer than 90 years from their creation.
2. A grieved party may consent to his/her personal data, as specified in clause 1, to be made available to indicated persons or institutions and to the public opinion.
3. The personal data specified in clause 1 may, however, be the subject of research work if:
  - 1) the grieved party or, if deceased, the closest person, consents thereto,
  - 2) they are connected with a public appearance of the grieved party, his/her public activity or they are personal data required by the Act in connection with the performance of a public function.
4. Research work may also be conducted after the personal data referred to in clause 1

have been removed from the copies of documents.

5. The personal data specified in clause 1 may not be used to the disadvantage of the grieved party.

#### Article 38

1. The functionaries of special services authorised by the Head of the Office for State Protection and within the framework of their statutory tasks may, following the notification of the President of the Remembrance Institute, be provided with access to the data contained in the documents collected by the Remembrance Institute within the limits of their authorisation.

2. Documents of the organs of state security, unless they contain the personal data of a grieved party or a third party, may be used by authorised functionaries of special services within the framework of their statutory tasks if they contain information on the crime of espionage, terrorism or a crime against the constitutional order of the Republic of Poland.

3. Clause 2 shall accordingly apply to the functionaries of special services of the states with which the Republic of Poland has concluded a relevant international agreement if such documents contain information on a crime of espionage or terrorism.

#### Article 39

1. The Head of the Office for State Protection or the Minister of National Defence may reserve the right, for a specified period of time, to reserve access to specified documents apart from representatives appointed by them if this is necessary for state security. The bodies of other special services may request such a reservation via the Head of the Office for State Protection.

2. The documents referred to in clause 1 constitute a separate and secret file in the archives of the Remembrance Institute and are subject to special protection.

3. At the request of the Head of the Office for State Protection or the Minister of National Defence, the President of the Remembrance Institute shall approve or annul the reservation of access to specified documents. The Minister of National Defence and the Head of the Office for State Protection shall be entitled to an appeal against the decision of the President of the Remembrance Institute with the Council of the Remembrance Institute.

4. The reservation shall be subject to statesecret .

5. The provision of Article 39 shall not limit the rights of the court in the screening proceedings and of the Public Interest Ombudsman.

#### Article 40

If the President of the Remembrance Institute, in connection with the performance of his/her duties, discovers that documents contain information on crimes defined in Article 1 Clause 2 points 2-4 of the Act of 6 April 1990 on the Office for State Protection (Journals of Laws No. 30, item 180, of 1991 No. 94, item 422 and No. 107, item 461, of 1992 No. 54, item 254, of 1994 No. 53, item 214, of 1995 No. 4, item 17, No. 34, item 163 and No. 104, item 515, of 1996 No. 59, item 269, No. 106, item 496 and No. 156, item 775, of 1997 No. 28, item 153, No. 70, item 443, No. 88, item 554 and No. 141, item 943 and of 1998 No. 131, item 860), he/she shall immediately notify the Head of the Office for State Protection thereof. The provision of Article 304 of the Polish Code of Criminal Procedure shall not apply.

#### Article 41

1. The Director of the Office for the Preservation and Dissemination of Archival Records of the Remembrance Institute shall notify a grieved party in the event of the submission of his/her personal data to other persons or institutions pursuant to Articles 31, 36 and 37, informing the grieved party about the nature of the data submitted and the identity of the

recipient thereof.

2. Clause 1 shall not apply in the event of the Minister of National Defence or the Head of the Office for State Protection presenting a statement to the President of the Remembrance Institute that such a notification could pose a danger to state security.

#### Article 42

If the Director of the Office for the Preservation and Dissemination of Documents of the Archive of the Remembrance Institute is notified, particularly as a result of the proceedings specified in the Act of 11 April 1997 on the Disclosure of Cases of Work or Service in State Security Authorities or Cooperation with them between 1944 and 1990 of Persons Performing Public Functions, that the personal data in documents are inaccurate, this latter information shall be attached to the set of documents concerning a given person.

#### Article 43

Proceedings on matters regulated in this Act shall be conducted pursuant to the provisions of the Code of Administrative Procedure, unless the provisions of this Act stipulate otherwise. In the matters specified in Article 39, no complaints may be filed with the Supreme Administrative Court.

#### Article 44

Information obtained for scientific or journalistic purposes on the basis of documents of the Remembrance Institute may not be used for any other purposes or submitted to any other institutions.

### Chapter 5

#### Investigative Functions of the Remembrance Institute

#### Article 45

1. Investigations into cases of crimes listed in Article 1 point 1 letter a) shall be initiated and conducted by the public prosecutor of a branch commission.
2. (19) As regards cases specified in Article 1, the public prosecutors of the Remembrance Institute shall hold the procedural rights provided for public prosecutors in the Code of Criminal Procedure. Whenever the Code of Criminal Procedure mentions an attorney for prosecution or public prosecutor, this shall be understood to mean a public prosecutor of the Remembrance Institute also in cases subject to adjudication by courts martial.
3. The objective of investigations into cases of crimes mentioned in Article 1 shall also be the comprehensive clarification of the circumstances of a case, and in particular the determination of grievied parties.
4. The circumstance referred to in Article 17 Paragraph 1 point 5 of the Code of Criminal Procedure do not represent an obstacle to the implementation of the objective referred to in clause 3. After the implementation of that objective, proceedings shall be discontinued.
5. The provisions of the Code of Criminal Procedure shall apply to investigations conducted by the Remembrance Institute, including the provision of legal assistance with regard to the crimes mentioned in Article 1 point 1.
6. The public prosecutor of a branch commission may desist from initiating an investigation and discontinue an investigation already initiated in connection with the perpetrator of a crime mentioned in Article 1 point 1 letter a) if such perpetrator has voluntarily disclosed, to a body established for the prosecution of crimes, all the relevant information on persons participating in committing a crime and the circumstances thereof, if such information permits the initiation of proceedings against a specific person. In desisting from prosecuting the perpetrator of a crime, the public prosecutor shall consider the degree of detriment to society of the crime committed by the perpetrator and

the extent of his/her guilt as well as the type and nature of the disclosed crime. In particular the public prosecutor shall determine whether it is possible to disclose the identity of perpetrators or accessories of crimes in any other manner, and shall also assess the significance of the disclosure of a crime for the performance of the tasks by the Remembrance Institute.

7. The public prosecutor may re-launch an investigation with respect to a perpetrator whose prosecution he/she has abandoned pursuant to clause 6 only where, in the course of further proceedings, such a perpetrator has refused to testify or presents a different testimony from that which justified the decision not to begin proceedings or to discontinue proceedings already begun.

8. If a person whose prosecution has been abandoned pursuant to clause 6 is called as a witness, the public prosecutor of a branch commission may issue a decision to keep such a person's personal data confidential, even if the circumstances specified in Article 184 paragraph 1 of the Code of Criminal Procedure have not arisen.

9. The public prosecutors of the Chief Commission shall appear in appellate and cassation proceedings.

#### Article 46

Following consultation with the Chief Commission Director, the President of the Remembrance Institute may make public and disclose to other persons than those mentioned in Article 156 Paragraph 5 of the Code of Criminal Procedure the personal data of a perpetrator of the crimes mentioned in Article 1 point 1 letter a) if criminal proceedings do not conclude with a conviction for a reason indicated in Article 17 paragraph 1 point 5 of the Code of Criminal Procedure or have been suspended pursuant to Article 22 paragraph 1 thereof.

#### Article 47

1. The Chief Commission Director shall be the superior public prosecutor for public prosecutors of that Commission and branch commissions.

2. Orders of the General Public Prosecutor other than those specified in Article 8 clause 5 of the Act of 20 June 1985 on Public Prosecutor's Office (Journals of Laws of 1994 No. 19, item 70 and No. 105, item 509, of 1995 No. 34, item 163, of 1996 No. 77, item 367, of 1997 No. 90, item 557, No. 98, item 604, No. 106, item 679, No. 117, items 752 and 753, No. 124, item 782 and No. 141, item 944 and of 1998 No. 98, item 607) exceeding the scope of tasks of the Remembrance Institute may be given to public prosecutors of the Remembrance Institute only upon the consent of the President of the Remembrance Institute.

3. The Chief Commission Director and public prosecutors thereof shall be superior public prosecutors with respect to public prosecutors of branch commissions.

4. A public prosecutor who has been recalled due to the resignation from the position of a public prosecutor of the Remembrance Institute shall have the right to return to the position previously held or be given a position equivalent to the one previously held, provided that there are not other legal obstacles.

5. The remuneration of public prosecutors of the Chief Commission shall be determined by the provisions on the remuneration of public prosecutors of the National Prosecutor's Office and the remuneration of public prosecutors of branch commissions shall be determined by the provisions on the remuneration of public prosecutors of the appellate prosecutor's office. Such remuneration, including related benefits of a personal nature, shall be financed from the resources of the Remembrance Institute.

6. In matters not regulated herein the provisions of the Act of 20 June 1985 on the Public Prosecutor's Office shall apply to prosecutors of the Remembrance Institute.

#### Article 48

A public prosecutor of a branch commission shall issue a decision to initiate or a refusal to

initiate an investigation into a case of a crime listed in Article 1 point 1 letter a) within three months of the receipt of a notice of a crime.

#### Article 49

After the lapse of three months from the date of the initiation of an investigation into a case of a crime listed in Article 1 point 1 letter a), the public prosecutor conducting such an investigation shall submit to the superior public prosecutor a statement on the activities performed. Such a statement shall be submitted after the lapse of each subsequent three-month period of an investigation. The time limits for the completion of an investigation specified in Article 309 of the Code of Criminal Procedure shall not apply.

#### Article 50 (20)

1. The Chief Commission and branch commissions shall constitute organisational units of a prosecutor's office in the understanding of international agreements with other states binding the Republic of Poland on legal assistance and legal relations in civil, family, employment and criminal cases.
2. The ministers for justice may, at the request of the President of the Remembrance Institute, delegate a judge to perform activities for the Chief Commission and provide legal assistance.

#### Article 51

1. (21) The provisions on the regional prosecutor's office shall apply to the council of public prosecutors of branch commissions accordingly, and the provisions on the assembly and council of the appellate prosecutor's office shall apply to the assembly and council of public prosecutors of the Chief Commission.
2. (22) Members of the Disciplinary Court and Appellate Disciplinary Court for the public prosecutors of the Remembrance Institute shall be elected by the assembly of public prosecutors of the Chief Commission, in a number determined thereby, from among the public prosecutors of the Remembrance Institute for a period of four years. The Disciplinary Court and Appellate Disciplinary Court shall elect chairmen/chairwomen from among their members.
3. (23) The Disciplinary Court at the Remembrance Institute shall adjudicate in the first instance in the composition of three members and in the second instance in the composition of five members. No member of the Court who participated in issuing the judgment appealed against may sit in the adjudicating panel of the second instance.
4. (24) The disciplinary ombudsman for public prosecutors of the Remembrance Institute shall be appointed by the Public Prosecutor General from among public prosecutors of the Remembrance Institute, at the request of the Chief Commission Director.

#### Article 52.

Bodies of the judiciary, public prosecution, bodies and organisational units accountable to, supervised by or subordinate to the Minister of Interior and Administration, Minister of National Defence, Minister of Foreign Affairs and the Head of the Office for State Protection and bodies of governmental administration and territorial local-government shall be obliged, each within the scope of its activity, to provide assistance to the Remembrance Institute in the implementation of the tasks of the Remembrance Institute, as mentioned in Article 1.

#### Chapter 6

##### Educational Functions of the Remembrance Institute

#### Article 53

The Remembrance Institute shall:

1. carry out scientific research into crimes and events as mentioned in Article 1, and make available documents gathered to other scientific institutions to carry out such research, subject to the terms set forth herein,
2. provide information on documents gathered and publish collections of documents held,
3. inform the public of the structures and methods of activity of institutions within which the Nazi and Communist Crimes were committed and inform the public of the operational methods of the organs of state security,
4. disseminate, in Poland and abroad, the results of its work and research into other institutions, organisations and persons pertaining to the subject of its activity,
5. carry out exhibition activities,
6. formulate proposals as to historical education.

## Chapter 7 Penal Regulations

### Article 54

1. He who, without authorisation, destroys, hides, damages, removes or changes records in documents or informational records subject to submission to the Remembrance Institute pursuant to Article 25 and Article 28.1, or available in the archives of the Remembrance Institute, or otherwise prevents or materially obstructs an authorised person or institution in examining records, or interrupts or prevents the automatic collection or transfer of such information, shall be liable to the penalty of deprivation of liberty from six months to eight years.
2. He who, being in possession of documents or informational records subject to submission to the Remembrance Institute on the basis mentioned in clause 1, evades, obstructs or prevents such submission shall be liable to the same penalty.
3. He who, in order to obtain information provided to an grieved party pursuant to the provisions of this Act, tells a lie or conceals the truth, being aware that the circumstances referred to in Article 6, clause 3 apply to him/her or that his/her personal data may be disclosed pursuant to this Act without his/her consent shall be liable to the penalty of deprivation of liberty of six months to three years.
4. (25) He who makes a false statement mentioned in Article 32, clause 5 shall be liable to the penalty of deprivation of liberty of six months to three years.

### Article 55

He who publicly and contrary to facts contradicts the crimes mentioned in Article 1, clause 1 shall be subject to a fine or a penalty of deprivation of liberty of up to three years. The judgment shall be made publicly known.

## Chapter 8 Amendments to Applicable Provisions; Interim and Final Provisions

### Article 56

In the Act of 31 July 1981 on the Remuneration of Persons Holding High-Ranking State Offices (Journals of Laws No. 20, item 101, of 1982 No. 31, item 214, of 1985 No. 22, item 98 and No. 50, item 262, of 1987 No. 21, item 123, of 1989 No. 34, item 178, of 1991 No. 100, item 443, of 1993 No. 1, item 1, of 1995 No. 34, item 163 and No. 142, item 701, of 1996 No. 73, item 350, No. 89, item 402, No. 106, item 496 and No. 139, item 647, and of 1997 No. 75, item 469 and No. 133, item 883) in Article 2, point 2 after the words "the Inspector General for the Protection of Personal Data," the following words shall be added: "the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation,".



#### Article 57

In the Act of 16 September 1982 on the Employees of State Offices (Journals of Laws No. 31, item 214, of 1984 No. 35, item 187, of 1988 No. 19, item 132, of 1989 No. 4, item 24, No. 34, item 178 and 182, of 1990 No. 20, item 121, of 1991 No. 55, item 234, No. 88, item 400 and No. 95, item 425, of 1992 No. 54, item 254 and No. 90, item 451, of 1994 No. 136, item 704, of 1995 No. 132, item 640, of 1996 No. 89, item 402 and No. 106, item 496, of 1997 No. 98, item 604, No. 133, item 882 and 883 and No. 141, item 943, and of 1998 No. 131, item 860) the following amendments shall be made:

1. in Article 1, clause 13 the full stop shall be replaced with a comma and a clause 14 shall be added with the following wording:

"14) the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation.",

2. in Article 36, clause 5, point 1 the word "and" shall be replaced with a comma, and after the words ωthe Inspector General for the Protection of Personal Dataω the words ωthe Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nationω shall be added,ω.

#### Article 58

In the Act of 14 July 1983 on the National Archive Resources and Archives (Journal of Laws No. 38, item 173, of 1989 No. 34, item 178, of 1996 No. 106, item 496 and No. 156, item 775, of 1997 No. 88, item 554 and No. 141, item 943, and of 1998 No. 106, item 668) the following amendments shall be made:

1. in Article 5, clause 3, point 6 the full stop shall be replaced with a comma and a point 7 with the following wording shall be added:

"7) the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation ω the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation.";

2. in Article 17, clause 3 shall have the following wording:

"3. The Ministers of National Defence, Interior and Administration, Foreign Affairs, the Head of the Office for State Protection, the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation and the Heads of the Chancellery of the Sejm, the Chancellery of the Senate and the Chancellery of the President, in consultation with the Minister of National Education, shall set forth the rules and procedure for the provision of access to archival materials located in separate archives subordinate to them.ω,

3. the existing wording of Article 19 shall be marked as clause 1 and a clause 2 shall be added with the following wording:

"2. The authority relevant for the matters of the separate archive of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation to the extent regulated by the provisions of this Act is the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation.ω;

4. in Article 21, clause 4, point 3 the full stop shall be replaced with a comma and a point 4 shall be added with the following wording:

"4) the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation.";

5. in Article 29:

a) in clause 1, point 4 the full stop shall be replaced with a comma and a point 5 shall be added with the following wording:

"5) the archive of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation.",

b) clause 3 shall have the following wording:

"3. The Ministers of National Defence, Interior and Administration, Foreign Affairs, as well

as the Heads of the Chancellery of the Sejm, the Chancellery of the Senate and the Chancellery of the President, the Office for State Protection and the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation shall determine the organisation of the separate archives subordinate to them.";

6. In Article 31, clause 3 shall be added with the following wording:

"3. The archival resources of the separate state archives subordinate to the President of the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation shall be set forth by the Act of 18 December 1998 on the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation (Journal of Laws No. 155, item 1016).ω

#### Article 59

In the Act of 20 June 1985 on the Public Prosecutor's Office (Journal of Laws of 1994 No. 19, item 70, No. 105, item 509, of 1995 No. 34, item 163, of 1996 No. 77, item 367, of 1997 No. 90, item 557, No. 98, item 604, No. 106, item 679, No. 117, item 752 and 753, No. 124, item 782 and No. 141, item 944, and of 1998 No. 98, item 607) the following amendments shall be made:

1. in Article 1, clause 1, after the words public prosecutors, the following words shall be added "and the public prosecutors of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation";

2. in Article 6, a clause 3 shall be added in the following wording:

"3. Public prosecutors of the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation are public prosecutors of the Chief Commission for the Prosecution of Crimes against the Polish Nation of the Institute of the National Remembrance and public prosecutors of branch commissions for the prosecution of crimes against the Polish Nation of the Institute of National Remembrance.ω;

3. in Article 23, clause 1 the words ωdelegated to the Chief Commission for the Examination of Crimes against the Polish Nationω shall be replaced with the words: ωthe Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nationω.

#### Article 60

In the Act of 5 January 1991 ω Budgetary Law (Journals of Laws of 1993 No. 72, item 344, of 1994 No. 76, item 344, No. 121, item 591 and No. 133, item 685, of 1995 No. 78, item 390, No. 124, item 601 and No. 132, item 640, of 1996 No. 89, item 402, No. 106, item 496, No. 132, item 621 and No. 139, item 647, and of 1997 No. 54, item 348, No. 79, item 484, No. 121, item 770, No. 123, item 775 and 778, No. 133, item 883, No. 137, item 926, No. 141, item 943 and No. 158, item 1042) in Article 31, clause 3, point 2, after the words ωInspector General for the Protection of Personal Data,ω the words shall be added ωthe Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation,ω.

#### Article 61

In the Act of 23 December 1994 on the Supreme Chamber of Control (Journal of Laws of 1995 No. 13, item 59, of 1996 No. 64, item 315 and No. 89, item 402, of 1997 No. 28, item 153, No. 79, item 484, No. 96, item 589, No. 121, item 770 and No. 133, item 883, and of 1998 No. 148, item 966) in Article 4, clauses 1 and 2, after the words " of the Inspector General for the Protection of Personal Data," the words shall be added ωof the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation,".

#### Article 62

In the Act of 23 December 1994 on Determining Resources for Remuneration in the State Budgetary Sector and on the Amendment of Certain Acts (Journal of Laws of 1995 No. 34, item 163, of 1996 No. 106, item 496 and No. 139, item 647, of 1997 No. 133, item 883, and of 1998 No. 117, item 756 and No. 155, item 1014) in Article 2, clause 2, point 1, after the words "the Office Inspector General for the Protection of Personal Data," the words shall be added "the Institute of National Remembrance ω Commission for the Prosecution of Crimes against the Polish Nation,ω.

#### Article 63

When this Act comes into force, the Chief Commission for the Examination of Crimes against the Polish Nation, the Institute of National Remembrance shall be put into liquidation. The liquidator shall be appointed by the Minister of Justice.

#### Article 64

The President of the Remembrance Institute, appointed for the first term, shall submit to the Council of the Remembrance Institute the statute of the Institute for approval and establish the organisational units of the Remembrance Institute before the lapse of three months from being sworn in.

#### Article 65

The Sejm of the Republic of Poland shall elect the Council of the Remembrance Institute within one month of this Act coming into force.

#### Article 66

(26) The Council of the Remembrance Institute shall propose to the Sejm a candidate for the President of the Remembrance Institute not later than one month following the date of the first meeting of the Council of the Institute.

#### Article 67

The Sejm of the Republic of Poland shall elect the President of the Remembrance Institute for the first term within one month of the proposal of a candidate.

#### Article 68

1. The archival resources of the existing Chief Commission for the Examination of Crimes against the Polish Nation - the Institute of National Remembrance and its district commissions shall become archival resources of the Remembrance Institute.
2. The property of the existing Chief Commission for the Examination of Crimes against the Polish Nation - the Institute of National Remembrance and its district commissions shall become the property of the Remembrance Institute.

#### Article 69

In matters not regulated by this Act and relating to the research staff of the Remembrance Institute, the provisions of the Act of 25 July 1985 on Research and Development Units (Journal of Laws of 1991 No. 44, item 194 and No. 107, item 464, of 1992 No. 54, item 254, of 1994 No. 1, item 3 and No. 43, item 163, of 1996 No. 41, item 175 and No. 89, item 402, of 1997 No. 43, item 272, No. 75, item 467 and 469, No. 104, item 661, No. 121, item 769 and 770 and No. 141, item 943, and of 1998 No. 117, item 756) shall apply.

#### Article 70

With respect to employees of the Remembrance Institute other than public prosecutors and research staff, the provisions of the Act of 16 September 1982 on Employees of State Offices (Journal of Laws No. 31, item 214, of 1984 No. 35, item 187, of 1988 No. 19, item

132, of 1989 No. 4, item 24, No. 34, item 178 and 182, of 1990 No. 20, item 121, of 1991 No. 55, item 234, No. 88, item 400 and No. 95, item 425, of 1992 No. 54, item 254 and No. 90, item 451, of 1994 No. 136, item 704, of 1995 No. 132, item 640, of 1996 No. 89, item 402 and No. 106, item 496, of 1997 No. 98, item 604, No. 133, item 882 and 883 and No. 141, item 943, and of 1998 No. 131, item 860) shall apply.

#### Article 71

The activity of the Remembrance Institute, set forth in Article 1, shall permit the processing of such personal data as mentioned in Article 27, clause 1 of the Act of 29 August 1997 on the Protection of Personal Data (Journal of Laws No. 133, item 883), without the consent and knowledge of the person to whom such data pertain.

#### Article 72

The Act of 6 April 1984 on the Chief Commission for the Examination of Crimes against the Polish Nation - the Institute of National Remembrance shall be no longer effective (Journal of Laws No. 21, item 98 and of 1991 No. 45, item 195).

#### Article 73.

This Act shall enter into force upon the lapse of 30 days of its announcement.