

Summary of the dissertation

"Constitutional and legislative provisions granting the individuals guarantee to privacy rights in context of providing the public security in the light of the Police and Internal Security force's operational prerogatives"

The main issue of the doctoral dissertation was to examine the relationship between legal guarantees of privacy rights and legislative possibilities of interference in this law when it is necessary for the security or public order reasons.

In carrying out its duties, the state provides the authorities with the power to act effectively, allowing to intervene in the sphere of freedom and rights in specific cases. However, such actions cannot be established without any limitations. Therefore, the key is to maintain a balance between the essence of rights and freedoms, and the powers of the state to intervene, by performing operational and exploratory activities.

The use of these means to obtain information by the public authorities is one of the most controversial social and legal problems. The question of potential "surveillance" from law enforcement agencies, authorized to use operational control and obtaining telecommunications data has been a subject of the public discussion. It is crucial to find the proportionality of provisions stating the powers of the law enforcement, which has been the subject of many scientific publications, doctrinal comments and case-law of the Polish Constitutional Court.

The issue of the limitations for the law enforcement interference into privacy rights makes that rights as diversified. Therefore, in dissertation the privacy rights were considered in scope of private and personal life protection, inviolability of the place of living, freedom of communication, protection of correspondence and finally - related to the right to personal data protection – individual information autonomy. Due to the widest statutory list of tasks entrusted to the Police and the Internal Security Agency, the subject of the dissertation was deliberately limited to detailed analysis of the powers to perform operational and exploratory activities.

The main purpose of the dissertation was to determine whether the current legal provisions in Poland, providing security services with the prerogatives to intervene in the sphere of privacy, by implementing operational and exploratory activities (relating in particular to the use of operational control and obtaining telecommunications data), meet the standards of constitutionality.

The dissertation consists of the index, the introduction, three substantive chapters, the conclusions and the bibliography, it counts 359 pages.

The author of the dissertation uses the following methods and research techniques:

- analysis of the sources of universally binding law of the Republic of Poland;
- comparative and dogmatic analysis of legal international, European and national solutions related to the privacy rights and its protection as well as the state's

- obligation to ensure security,
- analysis of the case law of the European Court of Human Rights, the EU Court of Justice and the Constitutional Court of the Republic of Poland relating to the conditions and limits for the use of operational and exploratory tools, which are interfering with the privacy rights of the individuals. Those analysis includes commentary on this case law.
 - test of legislative correctness of provisions contained in generally applicable laws, covering both - analysis based on linguistic and teleological criteria,
 - analysis of the constitutionality of the operational control and telecommunications data obtaining regulations based on the previous judgments of the Constitutional Court (with reference to specific editorial units of the *Police Act* and *the Act on Internal Security Agency and Intelligence Agency*).

The doctoral dissertation gave answers to the research thesis confirming that legal regulations establishing the powers of the Police and the Internal Security Agency to use operational control and obtaining telecommunications data do not fully meet the criteria of appropriate legislation and are not fully consistent with the Constitution of the Republic of Poland and Convention on the Protection of Human and Fundamental Rights.