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## **DATA PROTECTION FROM THE PERSPECTIVE OF THE CATHOLIC CHURCH IN POLAND – SELECTED PROBLEMS**

### **Abstract**

The standards for the protection of personal data processed within the framework of the statutory activities of ecclesiastical entities, such as parishes, dioceses, religious orders, higher seminaries or ecclesiastical associations, are closely related to the freedom of thought, conscience and religion. The constitutionally guaranteed autonomy of the Catholic Church (and other religious organisations) does not preclude them from being subject to a State supervisory authority, such as the President of the Office for Personal Data Protection. Pursuant to Article 91(1) of the GDPR, those churches or other religious organisations which, when the GDPR entered into force, already applied internal data protection rules, have the further possibility to apply autonomous regulations in this respect. The purpose of this study is to show the legal framework for the protection of personal data in the Catholic Church on the basis of particularistic canon law, as well as to present good practices in terms of mutual cooperation between the President of the Office for Personal Data Protection and the Church Data Protection Officer. The

main sources of analysis are the guidelines of the General Decree on the Protection of Individuals with regard to the Processing of Personal Data in the Catholic Church, issued on 13 March 2018 by the Polish Bishops' Conference based on canon 455 of the Code of Canon Law, as well as the annual reports on the activities of the Church Data Protection Officer.

### KEYWORDS

GDPR, protection of personal data, the Catholic Church, Church Data Protection Officer, data administrator

### SŁOWA KLUCZOWE

RODO, ochrona danych osobowych, Kościół katolicki, Kościelny Inspektor Ochrony Danych, administrator danych

### INTRODUCTION

In the common law of the Catholic Church, the protection of personal data stems from the right to the protection of intimacy, regulated in the Code of Canon Law.<sup>1</sup> According to Canon 220: 'No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy'.<sup>2</sup> The Catholic Church has been concerned with the protection of personal data for a long time, as can be seen, for example, in the penalty of *latae sententiae* excommunication incurred for violation of the secrecy of confession (Canon 1386 of the Code of Canon Law).

Since 25 May 2018, there has been a clear norm allowing churches and other religious associations to have and apply their own data protection regulations. This is because on this date, not only did the Data Protection Act of 10 May 2018<sup>3</sup> come into force, but also the provisions of GDPR<sup>4</sup>, the General Data Protection Regulation, were directly applicable in the Polish legal order.

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<sup>1</sup> *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*, 25 January 1983, AAS 75 (1983) part II, 1–317. Legal status as of 18 May 2022.

<sup>2</sup> Original translation approved by the Holy See.

<sup>3</sup> Journal of Laws of 2019, item 1781 consolidated text.

<sup>4</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 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 (OJ L 119, 4 May 2016, 1–88).

Until the GDPR regulations entered into force, the standard of personal data protection in the Polish legal order was influenced by the regulations resulting from the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data,<sup>5</sup> as well as the regulations provided for in the Act of 29 August 1997 on personal data protection.<sup>6</sup> On the ground of the Canon Law in Poland, apart from the provisions of the Code of Canon Law, the framework of personal data protection in the activity of the subjects of the Catholic Church was determined by the Instruction of 23 September 2009 elaborated by the Inspector General for Personal Data Protection and the Secretariat of the Polish Episcopal Conference.<sup>7</sup>

Churches or other religious associations, which at the time of the entry into force of the GDPR already had internal data protection rules in place, were given a further option under Article 91(1) of the GDPR to apply autonomous data protection regulations. However, these regulations had to be aligned with the GDPR.

An example of such detailed rules for the protection of personal data that are still in force today in the Catholic Church is the General Decree on the Protection of Individuals with regard to the Processing of Personal Data in the Catholic Church,<sup>8</sup> issued by the Polish Bishops' Conference on 13 March 2018 on the basis of canon 455 of the Code of Canon Law.

It is worth mentioning that by order of the Digital Affairs Minister of 30 January 2019,<sup>9</sup> pursuant to Article 7(4)(5) of the Act of 8 August 1996 on the Council of Ministers,<sup>10</sup> a Council for cooperation with churches and religious associations in matters of their data processing was established. It provides a forum for discussion on the processing of personal data by church entities. It aims to diagnose areas related to data processing by churches and other religious associations, which may require the support of the Digital Affairs Minister.

The purpose of this study is to show the legal framework for the protection of personal data in the Catholic Church in Poland, as well as to present good

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<sup>5</sup> Directive 1995/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ U.L.1995.281.31 as amended.

<sup>6</sup> Journal of Laws of 2016, item 922.

<sup>7</sup> 'Instruction Protection of personal data in the activities of the Catholic Church in Poland', Akta Konferencji Episkopatu Polski 2 (2009), 53–59.

<sup>8</sup> Polish Bishops' Conference, General Decree on the protection of natural persons in relation to the processing of personal data in the Catholic Church, 13 March 2018, Akta Konferencji Episkopatu Polski 30 (2018), 31–45.

<sup>9</sup> Order No 3 of the Digital Affairs Minister of 30 January 2019 on the appointment of the Council for cooperation with churches and religious associations in matters of their data processing (Official Journal of the MC of 2019, item 3).

<sup>10</sup> Act of 8 August 1996 on the Council of Ministers (Journal of Laws 2022, item 1188 consolidated text).

practices in terms of mutual cooperation between the President of the Office for Personal Data Protection and the Church Data Protection Officer.

### SCOPE OF THE TERM ‘PERSONAL DATA’

The term ‘personal data’ is defined in Article 4(1) of the GDPR and means any information relating to an identified or identifiable natural person (‘data subject’). This definition does not contain an enumerative list of what data is personal data. An identifiable natural person is one who can be identified, directly or indirectly, in particular, by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Thus, personal data within the meaning of the GDPR is not only a residential address or a telephone number but also a face on camera footage or a fingerprint. This definition is reproduced in Article 5(1) of the aforementioned General Decree of the Polish Bishops’ Conference of 13 March 2018.<sup>11</sup> It should be borne in mind, however, that ‘a name’ on church grounds means not only a name according to civil status records but also a name received during baptism, confirmation or a name given while performing a religious profession (the so-called ‘religious name’).

The EU legislator distinguishes between special categories of personal data, known as sensitive data. It includes personal data revealing ‘racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership’ and genetic and biometric data used to uniquely identify a natural person, as well as data concerning a natural person’s health, sexuality or sexual orientation (Article 9(1) GDPR). The criterion for distinguishing the above data is the fact that they directly concern the intimacy of a natural person. It should be borne in mind that the rules on the protection of personal data processed by ecclesiastical entities should be adapted to its doctrinal truths made visible in canon law as can be deduced from recital 4 of the GDPR,<sup>12</sup> which reads ‘The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality’.

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<sup>11</sup> Piotr Kroczyk, Piotr Skonieczny, *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku, Część III. Zagadnienia ogólne. Artykuły 1–5*, Kraków 2022.

<sup>12</sup> Piotr Stanisławski, ‘Naczelne zasady instytucjonalnych relacji państwo – Kościół’, in Artur Mezglewski, Henryk Misztal, Piotr Stanisławski, *Prawo wyznaniowe*, Warsaw 2011, 74–88.

## CHURCH DATA PROTECTION OFFICER

On the basis of the General Decree of the Polish Bishops' Conference under review, the Church Data Protection Officer, i.e., an independent supervisory authority in matters of personal data protection in the Catholic Church in Poland, has been appointed (Article 35). The Church Data Protection Officer is an office within the meaning of Canon 145 § 1 of the Code of Canon Law ('An ecclesiastical office is any function constituted in a stable manner by divine or ecclesiastical ordinance to be exercised for a spiritual purpose').<sup>13</sup> According to Article 36 of the General Decree, the Church Data Protection Officer is elected for a four-year term by the Plenary Meeting of the Polish Bishops' Conference. Nothing prevents the same person from being elected for successive terms. If the Church Data Protection Officer were to seriously fail in their duties, they may be dismissed from their position. The general decree also provides for the possibility to resign in writing from the office. As the Polish Bishops' Conference indicates, the person performing the function of a Church Data Protection Officer should have adequate knowledge, experience and skills in the field of personal data protection.

The tasks of the Church Data Protection Officer, in accordance with Articles 37–38 of the General Decree, are:

- monitoring and ensuring compliance with data protection legislation within and in accordance with the activities of the Catholic Church and its structures;
- disseminating knowledge on the protection of personal data in the Church;
- advising data officers and data processors in the Church on data protection;
- providing information to the data subject on their rights in relation to the processing of personal data;
- deciding on the admissibility of the transfer of data to a public ecclesiastical legal entity established outside the territory of the Republic of Poland if there are reasonable doubts about the protection of the data;
- cooperating with the national supervisory authority, including sharing information and providing mutual assistance to ensure compliance with data protection legislation;
- monitoring changes in the Church's activities that affect the protection of personal data, in particular, the use of information and communication technologies;
- submitting to the Polish Bishops' Conference proposals for legal regulations or amendments to regulations concerning the protection of personal data;
- examining complaints concerning compliance with the regulations established in the Church with regard to the protection of personal data.

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<sup>13</sup> Remigiusz Sobański, 'Urzędy kościelne', in Józef Krukowski, Remigiusz Sobański, *Komentarz do Kodeksu Prawa Kanonicznego. Księga I. Normy ogólne*, Vol 1, Poznań 2003, 233–235.

Complaints to the Church Data Protection Officer are made by means of traditional correspondence and electronic communication. They mostly concern unjustified application of State laws regarding withdrawals from the Church, irregularities in making personal data public or the denial of the right to a copy of data.<sup>14</sup>

As stipulated in Article 39 of the General Decree, the Church Data Protection Officer prepares an annual report on his activities, which is forwarded to the Polish Bishops' Conference.

## DATA PROTECTION LEGISLATION IN THE PRACTICE OF THE CATHOLIC CHURCH

The doctrine of law emphasises that both the Catholic Church and other religious associations do not need to have a single normative act of internal law to regulate the issue of personal data protection.<sup>15</sup> It is sufficient to have and apply their own regulations containing detailed rules for the protection of persons in relation to data processing.<sup>16</sup> The Catholic Church in Poland fulfilled the prerequisites of Article 91(1) of the GDPR and could, therefore, benefit from the possibility to exempt internal activities from the GDPR. The first condition was to apply specific rules for the protection of natural persons in relation to data processing when the GDPR came into force.<sup>17</sup> The second condition was to have the status of a church, religious association or community. According to Article 4 of the Concordat, the Republic of Poland recognises not only the legal personality of the Catholic Church but also the legal personality of all territorial and personal ecclesiastical institutions which have acquired such personality on the basis of the provisions of canon law.<sup>18</sup> The ecclesiastical authority shall notify the competent State authorities accordingly. The third and final condition under Article 91(1) GDPR is to bring its own data protection rules in line with the General Data Protection Regulation.

<sup>14</sup> e.g., Report on the activities of the Church Data Protection Officer for the period from 6 June 2020 to 7 June 2021, Akta Konferencji Episkopatu Polski No 33 (2021), 266–269.

<sup>15</sup> Natalia Zawadzka, in *RODO. Ogólne rozporządzenie o ochronie danych. Komentarz*, Edyta Bielak-Jomaa, Dominik Lubasz (eds), Warsaw 2018, 1112–1117.

<sup>16</sup> Paweł Fajgielski, *Ogólne rozporządzenie o ochronie danych. Ustawa o ochronie danych osobowych. Komentarz*, Warsaw 2018, 690–695.

<sup>17</sup> Radosław Mędrzycki, 'Wewnętrzna regulacja ochrony danych osobowych w Kościele katolickim w Polsce na tle art. 91 RODO', *Prawo Kanoniczne* 61 (2018) 4, 137–145, <<https://doi.org/10.21697/pk.2018.61.4.07>>.

<sup>18</sup> The Concordat between the Holy See and the Republic of Poland, signed in Warsaw on 28 July 1993 (Journal of Laws of 1998, No 51, item 318).

The internal regulation in relation to the Catholic Church in Poland is the aforementioned General Decree of the Polish Episcopal Conference on the Protection of Individuals with regard to the Processing of Personal Data in the Catholic Church, which contains many identical counterparts in the form of articles in the GDPR. However, it should be borne in mind that, depending on the areas of activity of the Catholic Church, not only the provisions of canon law, including those contained in the General Decree, will always apply. The first sphere of activity of the Catholic Church is the activity carried out in ‘its own sphere’ (Article 25(3) of the Constitution of the Republic of Poland), ‘in its own domain’ (Article 1 of the Concordat) or ‘in its affairs’ (Article 2 of the Act of 17 May 1989 on relations between the State and the Catholic Church in the Republic of Poland<sup>19</sup>). These activities are governed exclusively by canon law and concern, for example, the administration of the sacraments, the keeping of parish registers or the appointment of parish priests, i.e., internal matters of the Catholic Church in which the State and local authorities cannot interfere.<sup>20</sup> Another category is mixed matters, which can be the responsibility of both the State and the Church. These include educational activities, the management of cemeteries or the restoration of sacred monuments. The last area of church activities is practically subject to the regulation of State law and is related, among other things, to the conduct of business or donations. In both the second and third areas of ecclesiastical activities, Catholic Church entities are also obliged to comply with State (secular) law.

It should be noted that although the processing of personal data in the context of ecclesiastical activities, such as the keeping of metrological books, the maintenance of parish records or pastoral visits, is in principle performed on the basis of canon law,<sup>21</sup> different mechanisms reflected in State and EU regulations are clearly visible.

The purpose of Church and State data protection legislation is the same, namely the protection of human dignity.<sup>22</sup> Indeed, the concept of human dignity is not

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<sup>19</sup> Act of 17 May 1989 on the relationship between the State and the Catholic Church in the Republic of Poland (Journal of Laws of 2023, item 1966 consolidated text).

<sup>20</sup> Piotr Majer, ‘Ochrona prywatności w kanonicznym porządku prawnym’, in *Ochrona danych osobowych i prawo do prywatności w Kościele*, Piotr Majer (ed), Kraków 2002, 83–124.

<sup>21</sup> Piotr Mazurkiewicz, ‘Ochrona danych osobowych w Kościołach i związkach wyznaniowych w świetle rozporządzenia Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE (ogólne rozporządzenie o ochronie danych)’, in *Ochrona danych osobowych w Kościele*, Stanisław Dziekoński, Piotr Drobek (eds), Warsaw 2016, 19–34.

<sup>22</sup> The word ‘dignity’ (Latin *dignitas*) comes from the Latin *dignus*, which means: worthy of respect and honour, obliged to be respected with great importance. Mirosław Sadowski, *Godność człowieka i dobro wspólne w papieskim nauczaniu społecznym (1878–2005)*, Wrocław 2010, 26–31.

dealt with in theology or philosophy, but also in law, political science, medicine and many other scientific disciplines that address this concept to varying degrees.

Following the entry into force of the GDPR regulations, it is still not necessary for people preparing for particular sacraments to consent to their data being processed by the parish. The mere fact of asking for the administration of a sacrament or sacramental involves the provision of one's personal data and provides the basis for the careful collection, safeguarding and processing of personal data. In contrast, such consent will be necessary when that personal data is used for purposes other than those related to the provision of a religious service. It is not uncommon for Roman Catholic parishes to receive requests from State courts for the data of a person from the baptismal register or the register of the deceased in order to determine the heirs of a statutory succession. As indicated by Article 34(2) of the General Decree, such transfer of personal data is possible if it is necessary for the performance of the tasks laid down by law (point 1), or if it serves a public interest (point 4).

As practice shows, in many issues it is difficult to separate which matters fall under the assessment of the President of the Personal Data Protection Office and which fall under the competence of the Church Data Protection Officer. After all, it is not uncommon for a parish to employ staff or process personal data of beneficiaries of charitable activities who do not always belong to a particular parish.<sup>23</sup> Taking the example of social welfare homes run by religious orders, it is worth emphasising that the Church Data Protection Officer is a supervisory authority only with regard to the processing of personal data of residents of these homes concerning matters related to their membership in the Catholic Church. In the remaining scope, e.g., conclusion of cooperation agreements with external entities or granting authorization to employees of the social welfare home to process personal data, the supervisory authority is the President of the Personal Data Protection Office. It is, therefore, necessary to distinguish in which area only the Church Data Protection Officer is competent, and in which area the President of the Personal Data Protection Office is competent with regard to organisational units run by religious orders.

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<sup>23</sup> Ewa Kulesza, 'Ochrona danych osobowych a wolność sumienia i wyznania w prawodawstwie polskim', in *Ochrona danych osobowych i prawo do prywatności w Kościele*, Piotr Majer (ed), Kraków 2002, 12–13; Piotr Skonieczny, 'Zakres podmiotowy Dekretu ogólnego KEP z 13 marca 2018 roku w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim. Prawnoporównawczy punkt widzenia', *Annales Canonici* 14 (2018), No 1, 69–86.

## **COOPERATION OF THE CHURCH DATA PROTECTION OFFICER WITH THE PRESIDENT OF THE PERSONAL DATA PROTECTION OFFICE**

As stated in Article 59(1) of the Data Protection Act 2018, the President of the Personal Data Protection Office cooperates in matters of personal data protection with the independent supervisory authorities appointed under Article 91 of the GDPR, i.e., among others, the Church Data Protection Officer; the Superintendent of Personal Data Protection established in the Seventh-day Adventist Church or the Evangelical Joint Commission for the Protection of Personal Data established by the Evangelical and Reformed Church. The main purpose of this cooperation is not only to exchange information, but also to provide mutual assistance with regard to compliance with data protection legislation.

As of 2019, only the Church Data Protection Officer has an agreement with the President of the Personal Data Protection Office on cooperation and mutual information sharing, as referred to in Article 59(2) of the Personal Data Protection Act. The relevant agreement was concluded on 10 May 2019. The agreement sets out the principles, scope and form of cooperation between the President of the Personal Data Protection Office and the Church Data Protection Officer, which concerns the implementation of the tasks of both authorities provided for by law, respecting their independence and competence. The purpose of the signed Agreement is the need to reconcile the protection of personal data with the exercise of the fundamental right to religious freedom, guaranteed by international, European and Polish law, also in its institutional dimension, as well as the possibility of ensuring effective cooperation between the Parties to the Agreement in the area of personal data protection. The Parties to the Agreement under consideration undertake to cooperate, in particular, to carry out educational and informational activities regarding the rights of individuals in the field of the right to private life and the right to personal data protection. Cooperation between the Parties to the Agreement shall take the form of periodic or ad hoc exchanges of information on the activities carried out by the Parties to the Agreement within their competence as defined by the provisions of the applicable law.

Within the framework of the aforementioned Agreement, among other things, a training course was organised on 7–9 October 2021 in Zakopane entitled ‘Personal data protection in Church entities: control, chancellery, responses’. The topics of the training included, for example, issues concerning the conduct of inspections with regard to compliance with data protection standards, there was also an opportunity to obtain answers to various legal and canonical issues concerning the practice of diocesan or religious curiae. Furthermore, on 31 January 2023, as part of the celebration of the 17<sup>th</sup> Personal Data Protection Day, an All-Poland Scientific Conference entitled ‘The Future of Personal Data Protection

in Light of Technological Developments’ was organised in the town of Elk. The programme of this event included a session entitled ‘Churches and other religious associations in the service of data protection’.

In April 2023, on the initiative of the President of the Personal Data Protection Office, the Institute of Personal Data Protection Law was established to form a team of experts, practitioners and academics who have a strong influence on the emergence and formation of the data protection system in Poland. The Institute includes both the Church Data Protection Officer and academics scientifically involved in the issue of data protection in church institutions. The aim of the Institute’s activities is, among others, to promote best practices and solutions in data processing and protection, through research, reports, education, consultancy and cooperation with other institutions, and participation in the processes of creating legal regulations in this field. It is also worth mentioning the International Scientific Conference organised under the theme ‘Current Problems of Personal Data Protection in the Church and the State’, held at the Pontifical University of John Paul II in Kraków on 11–12 May 2023. How important it is to raise awareness among employees of Church institutions about data protection law is evidenced, for example, by the training course organised on 11 May 2024 in Kraków – Łagiewniki for approximately one hundred data protection officers performing their function in churches and other religious associations. The training was organised by the Church Data Protection Officer in cooperation with the President of the Personal Data Protection Office. During the training, employees of the Control and Infringement Department of the Office for Personal Data Protection discussed the subject scope of the Office for Personal Data Protection’s control, examples of violations of personal data protection regulations, as well as the legal consequences of improper data processing.

The number of complaints addressed to the President of the Personal Data Protection Office against a specific church entity for refusal to delete, publish, update or access personal data is small. There were 11 complaints in 2020, 13 complaints in 2021, five complaints in the following year 2022 and seven complaints in 2023. So far in 2024, the President of the Personal Data Protection Office has not received any complaints concerning churches or other religious associations applying specific rules on the protection of natural persons. It should be noted that the Church Data Protection Officer is not a State administrative body and, therefore, there are no grounds for the President of the Personal Data Protection Office to forward complaints regarding compliance with the canon law on personal data protection to the Church Data Protection Officer in accordance with its jurisdiction. In such cases, the President of the Personal Data Protection Office is obliged to issue a decision on refusal to initiate proceedings, due to the existence of the premise set out in Article 61a § 1 of the Code of Administrative Procedure.<sup>24</sup>

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<sup>24</sup> Act of 14 June 1960 – Code of Administrative Procedure (Journal of Laws of 2024, item 572 consolidated text).

## CONCLUSION

Resulting from Article 51 of the Polish Constitution,<sup>25</sup> the right to the protection of personal data is enjoyed by everyone, not only citizens. It is clear from the provisions of the GDPR that the regulations therein are intended to secure the right to the protection of personal data and to ensure the free flow of data. Certainly, the need to protect privacy stems directly from the growing sense of threat as a result of contemporary rapid technological change. On the other hand, the 2018 General Decree of the Polish Bishops' Conference indicates the following objectives for the creation of this ecclesiastical document: protection of human dignity, the right to a good name, the right to intimacy and the right to the protection of personal data.<sup>26</sup>

In the General Decree, the Polish Bishops' Conference has taken into account both the principles of protection of natural persons in relation to the processing of their personal data applied so far in the Catholic Church in Poland and the need to reconcile the protection of personal data with the exercise of the fundamental right to religious freedom, which is also guaranteed by positive law, including in its institutional dimension.

It is permissible to apply different data protection rules to ensure that the objectives of the GDPR are met. An example is the limitation of the right to request erasure<sup>27</sup> arising from Article 14(4) of the General Decree, where it is indicated that the right to request erasure does not apply if the data relate to sacraments administered or otherwise relate to the canonical status of a person.

The doctrine of law emphasises that the Church legislator did not canonise (did not recognise as its own law) the provisions of the GDPR, but merely copied their content.<sup>28</sup> Thus, the General Decree of the Polish Bishops' Conference and the EU regulation GDPR are independent normative acts. As emphasised in the literature on the subject, copying the provisions of GDPR, on the one hand, reduced the risk of the provisions of the General Decree of the Polish Bishops' Conference not

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<sup>25</sup> Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No 78, item 483, as amended).

<sup>26</sup> Piotr Kroczek, Piotr Skonieczny, *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku, t. I: Część I. Kwestie wstępne, Część II. Preambuła*, Kraków 2022; Bernard Łukańko, 'Stosunek kościelnej ochrony danych osobowych do RODO – uwagi na marginesie postanowienia Krajowego Sądu Pracy w Norymberdze z dnia 29 maja 2020, 8 Ta 36/20', *Studia z Prawa Wyznaniowego* 2020, Vol 23, 153–172.

<sup>27</sup> Joanna Buchalska, 'Prawo do bycia zapomnianym – w orzecznictwie polskim', in *Prawo prywatności jako reguła społeczeństwa informacyjnego*, Katarzyna Chałubińska-Jentkiewicz, Ksenia Kakareko, Jacek Sobczak (eds), Warsaw 2017, 147–168.

<sup>28</sup> Piotr Kroczek, *Przetwarzanie danych osobowych przez podmioty Kościoła katolickiego w Polsce: transfer między państwami*, Kraków 2020, 50–51.

being adapted to the EU Regulation, and on the other hand, caused a process of laicisation of its own internal law.

## REFERENCES

- Buchalska J, 'Prawo do bycia zapomnianym – w orzecznictwie polskim' in *Prawo prywatności jako reguła społeczeństwa informacyjnego*, Chałubińska-Jentkiewicz K, Kakareko K and Sobczak J (eds), 147–168, Warsaw 2017
- Fajgielski P, *Ogólne rozporządzenie o ochronie danych. Ustawa o ochronie danych osobowych. Komentarz*, Warsaw 2018
- Kroczek P, *Przetwarzanie danych osobowych przez podmioty Kościoła katolickiego w Polsce: transfer między państwami*, Kraków 2020
- –, Skonieczny P, *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku, Vol I: Part I. Kwestie wstępne, Part II. Preambuła*. Kraków 2022
- –, Skonieczny P, *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku, Część III. Zagadnienia ogólne. Artykuły 1–5*, Kraków 2022
- Kulesza E, 'Ochrona danych osobowych a wolność sumienia i wyznania w prawodawstwie polskim' in *Ochrona danych osobowych i prawo do prywatności w Kościele*, Majer P (ed), 7–21, Kraków 2022
- Łukańko B, 'Stosunek kościelnej ochrony danych osobowych do RODO – uwagi na marginesie postanowienia Krajowego Sądu Pracy w Norymberdze z dnia 29 maja 2020, 8 Ta 36/20', *Studia z Prawa Wyznaniowego* 2020, Vol 23, 153–172
- Majer P, 'Ochrona prywatności w kanonicznym porządku prawnym' in *Ochrona danych osobowych i prawo do prywatności w Kościele*, Majer P (ed), 83–124, Kraków 2022
- Mazurkiewicz P, 'Ochrona danych osobowych w Kościołach i związkach wyznaniowych w świetle Rozporządzenia Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/we (ogólne rozporządzenie o ochronie danych)' in *Ochrona danych osobowych w Kościele*, Dziekoński S, Drobek P (eds), 19–34, Warsaw 2016
- Mędrzycki R, 'Wewnętrzna regulacja ochrony danych osobowych w Kościele katolickim w Polsce na tle art. 91 RODO', *Prawo Kanoniczne*, Vol 61 (4), 131–147, 2018, <<https://doi.org/10.21697/pk.2018.61.4.07>>
- Sadowski M, *Godność człowieka i dobro wspólne w papieskim nauczaniu społecznym (1878–2005)*, Wrocław 2010
- Skonieczny P, 'Zakres podmiotowy Dekretu ogólnego KEP z 13 marca 2018 roku w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim. Prawnoporównawczy punkt widzenia', *Annales Canonici* 2018, Vol 14, No 1, 69–86

- 
- Sobański R, 'Urzędy kościelne', in Krukowski J, Sobański R, *Komentarz do Kodeksu Prawa Kanonicznego. Księga I. Normy ogólne*, Vol 1, 233-286. Poznań 2003
- Stanisz P, 'Naczelne zasady instytucjonalnych relacji państwo – Kościół', in Mezglewski A, Misztal H, Stanisz P, *Prawo wyznaniowe*, 74–88, Warsaw 2011
- Zawadzka N, *RODO. Ogólne rozporządzenie o ochronie danych. Komentarz*, Bielak-Jomaa E, Lubasz D (eds), Warsaw 2018, 1112–1117