

## STRESZCZENIE ROZPRAWY DOKTORSKIEJ

mgr Patrycji Tyborowskiej

pt. *Społeczne i administracyjne aspekty prawa dostępu do informacji w gminach w Polsce na przykładzie województwa mazowieckiego*

przygotowanej pod kierunkiem dr hab. Jerzego Paśnika, prof. AFiB

### SUMMARY

*Social and administrative aspects of the right to access information in municipalities in Poland on the example of the Masovian Voivodeship*

Lack of deeper reflection on the issue of participation, colloquial (simplified or trivial) understanding of the term participation weighs down the research in the area in question[1]. Hence, the idea of subjecting this issue to the scientific process and its rearrangement in the dissertation *Social and Administrative Aspects of the Right of Access to Information in Municipalities in Poland on the Example of the Mazowieckie Province* was born. The basic assumption of the dissertation was to take up the subject of the right of access to public information as an element of civil society on the example of municipalities in the Mazovian province.

The hypothesis of this dissertation closes in the assessment that the introduction of legal norms for access to public information is not a sufficient condition for guaranteeing the functioning of civil society in this area. Indeed, the realization of the constitutional principle of civil society through one of its pillars, which is access to public information, requires the enactment and application of the law in a way that realistically realizes the assumptions of a democratic state of law, as well as the increased activity of citizens testifying to developed civic competence.

Consistency in the functioning of access to public information at three levels - doctrinal, normative and practical - is a guarantee of the existence of a civil society shaping a democratic state. The need to undertake a research task in the triggered thematic area arises primarily from the ongoing changes in the socio-political space of transition and the crisis of democracy signaled in the literature. A crisis accompanied by the escalation of populism presented in a

slogan way as “the voice of the people” and “the right understanding of democracy”, although in reality this crisis manifests an authoritarian<sup>1</sup>.

The democratization of the state is evidenced not only by the formal right to participate, but, in addition, by the widespread attitude to using the<sup>2</sup>. Due to the special role of information in the social space, the new social and political conditions, and especially due to the importance of the right of access to public information for the functioning of a democratic state under the rule of law, it is necessary to legislate precise, transparent and non-discretionary regulations on the subject, as well as the sense of responsibility of the authorities to represent the sovereign people, and the possession of developed civic competence by the public.

Thus, the assumption of this work is to create, taking into account the tools of scientific analysis, the basis for strengthening, in addition to the claim that the right of access to public information is the realization of the constitutional principle of civil society, when, taking into account the factor on the side of the authorities, the establishment and application of this right is carried out on the basis of ensuring legislative standards and stability of this right also through the stability of jurisprudence, real and not apparent socialization of the exercise of power, as well as taking into account the factor on the side of the citizens use of this right in such a way that it serves the good of society as a whole, thus the development of democracy. Violation of even one of the mentioned factors will prove the sham functioning of civil society.

The dissertation is interdisciplinary in nature taking into account the achievements of political and administrative sciences, legal sciences and sociological sciences.

To achieve the purpose of the work, the following research questions were formulated: What is the function of information in society? What effect does the availability of information have on the level of democracy? What are the characteristics of the information relationship between the government and the citizen? What are the formal and informal sources of legislating access to public information in Poland? How do they affect the implementation of the principle of civil society in a democratic legal state? To what extent does the functioning of the right of access to public information realize the ideas of civil society? To what extent are citizens interested in public information? What categories of issues are of interest to public information? Does the scope of information obtained by residents of municipalities meet the ideological assumptions of civil society? What impact do the new conditions of the information society have on the information activities of the authorities? Do the new solutions enabling the

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<sup>1</sup> Tenże, *Demokracja, demokratyczny, demokratyzm jako pojęcia syndromatyczne. Tezy.*, „Społeczeństwo i Polityka” 2020, nr 4 (65), s. 74-100.

<sup>2</sup> Tenże, *Demokratyczny wzorzec partycypacji*, „Społeczeństwo i Polityka” 2005, nr 3-4 (4-5), s. 36-51.

dissemination of information by the authorities serve to expand the openness of public life, or do they constitute a limitation of it? Is the right of access to public information being used as a tool for political struggle? Is there a correlation between electoral activity and civic activity in terms of access to information at the local government level?

The bibliography of the dissertation was based on literature, as well as journals, from Polish and foreign sources. Also used, a wide assortment of normative acts, included in the Polish and EU legal order. The work also uses the case law of courts and tribunals. Besides, both archival and current documents were also taken into account.

It should be noted that the existing literature, in particular, devoted to the description of the provisions of the Law on Access to Public Information, or the analysis of case law in the subject area is formally very rich. Currently, there are more than 1,200 items in the legal bibliography of the Polish Academy of Sciences on the subject of public information.

On the subject of the right of access to public information under both the Constitution and the law on access to public information, many excellent publications have been written, among which it is necessary to point out, in particular, the monographs by P. Szustakiewicz entitled "Access to Public Information". "Access to Public Information," T. Gardocka titled "Access to Public Information. "Citizen's right to information", M. Jaskowska, titled "Access to public information. "Openness and its limitations", M. Błachucki and G. Sibiga titled. "20 years of the law on access to public information - summary and prospects of the statutory regulation of the right to public information". In addition to the above-mentioned items, commentaries to Article 61 of the Constitution by, among others, L. Garlicki and M. Zubik, as well as commentaries to the Law on Access to Public Information by, among others, M. Bidzinski, M. Chmaj and P. Szustakiewicz entitled "The Law on Access to Public Information. "The Law on Access to Public Information. Commentary", in which the authors undertook the interpretation of the provisions of this Act while pointing out its imperfections and formulating *de lege ferenda* postulates in this regard, as well as other works dealing with selected issues concerning the right of access to public information. The subject of the right of access to public information was taken up in scientific articles, which, however, due to format limitations, did not exhaust the issue in its entirety, but were limited only to individual issues related to this research area.

Although the cited publications, as well as those studies not specified here but indicated in its later sections, from which the dissertation draws, are related to the research area of the work, it should be assumed that there is not yet in the literature an item that discusses comprehensively the issue presented in the topic of the work. It can be definitely pointed out that there is a lack of research aimed at an in-depth analysis of the formal and informal sources of the creation and

functioning of the law in this area, taking into account the specific conditions of the functioning of the right to information at the local level, and above all, the issue of public information as a tool for the creation of civil society has not been addressed. Thus, the research space in this area seems to be still open, which was taken as a justification for the preparation of this dissertation, and thus the work fills the gap that exists in this regard. The right of access to public information, as one of the key factors of the constitutional principle of civil society, should be subjected to an in-depth and comprehensive analysis in this aspect. This is because the research undertaken in the outlined research area is particularly important in the context of the creation of the constitutional principle of civil society in a democratic legal state.

The direction of the dissertation research is also due to the necessity of the implications of national law, created at the highest level of state functioning by local government units and the Europeanization of law indicated in the discourse of the subject. The development of legal regulations on access to public information both at the international level and in intra-state systems falls at the end of the 20th and beginning of the 21st century. This is the result of intensive integration processes<sup>3</sup>.

At that time, the regulations in question were also introduced into the Polish legal order, first at the constitutional level through the establishment of the right to public information in the pages of the Constitution in 1997, and then, implementing the provisions contained in the Basic Law, at the statutory level through the enactment of the Act of September 6, 2001 on Access to Public Information<sup>4</sup>.

A prerequisite for the proper functioning of democracy is to equip citizens with legal tools that will provide a guarantee of unrestricted perception of the social situation, thereby allowing citizens to form an opinion about those in power and, consequently, make rational electoral decisions<sup>5</sup> and provide opportunities for participation in public life. The research task of the dissertation was to determine the condition of civil society, by analyzing the state and application of the right of access to public information.

Research on political or civic participation should be guided by a systemic analysis of the complex interdependencies between the functioning of society and the state and the awareness and activity or passivity of citizens and their environment. Understanding any

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<sup>3</sup> A. Bloch B. Opaliński, *Dostęp do informacji publicznej w prawie międzynarodowym i prawie Unii Europejskiej*, w: *Dostęp do informacji publicznej*, P. Szustakiewicz (red.), Wydawnictwo CH Beck, Warszawa 2014, s. 1.

<sup>4</sup> Ustawa z dnia 6 września 2001 r. o dostępie do informacji publicznej, tekst jedn. Dz. U. z 2019 r., poz. 2325 z późn.zm.);

<sup>5</sup> P. Szustakiewicz (red.), *Dostęp do informacji publicznej, Stan prawny: luty 2014 r.*, Wydawnictwo C.H. Beck, Warszawa 2014, s. XXI.

particular type of participation requires an approach that takes into account the key aspects of the social relations that take place between society at large and the individuals that make it up<sup>6</sup>. In doing so, it should be taken into account that the subject of politics is not limited to the subjects of power. Participants in the game called politics are not only peer and equal actors, but also dominant actors and subordinate and dependent actors<sup>7</sup>.

At the same time, the dissertation also takes into account the role that social information plays at the local level, which is primarily due to the fact that it is closest to the sphere of colloquial human experience, carries with it the ease of specifying the expectations and information demands of the recipients and linking them to specific phenomena and situations. At the local level, it becomes relatively easy to determine the usability of information, as well as its practical use by the addressee. A sender who operates at the interface of institutionalized and spontaneous information circulation is more likely to accurately read the information needs of the local community, and thus it becomes easier for the sender to satisfy them. At the local level, it is easier to verify information by confronting it with reality, it is easier to distinguish truth from falsehood and what is a matter of importance and what is trivial<sup>8</sup>. Therefore, the analysis of the functioning of the right to information was made at the level of the lowest level of local government - the municipality.

The paper considers the factor on the side of modern information conditions associated with the development of technology. The modern scientific and technological revolution has contributed to the information revolution. The growing volume of information has a significant impact on social relations, which are evolving at the fastest pace in the history of civilization<sup>9</sup>. In the process of historical evolution of social information, we are now dealing with a new quality, which is the "information society." The world has moved to a new phase of information conditioning<sup>10</sup>.

Despite the increased interest of researchers in recent years in the subject of civil society, a comprehensive assessment of this complex phenomenon is not clear. The specifics of citizens' attitudes and activity are considered a source for assessing the condition of civil society and civic competence. The literature points to the relationship between electoral activity and civic

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<sup>6</sup> M. Karwat, *Uczestnictwo i poczucie uczestnictwa. Analiza pojęć*, dz. cyt., s. 53-80.

<sup>7</sup> M. Karwat, *Polityczność i upolitycznienie. Metodologiczne ramy analizy*, „Studia politologiczne” 2010, nr 17, s. 63-88.

<sup>8</sup> M. Szulczewski, *Informacja i współdziałanie*, dz. cyt., s. 165-170.

<sup>9</sup> J. Kossecki, dz. cyt., s. 5.

<sup>10</sup> A. Rogala-Lewicki, dz. cyt, s. 6-17.

activity as a measure of civic engagement derived from a sense of influence on public affairs<sup>11</sup>. The identification of the local community with the local government, on the other hand, is the result of the openness of public life, based on constant, reliable and multilateral and comprehensive social control, while maintaining the accountability of local authorities to the public<sup>12</sup>.

Therefore, the point of reference for consideration of the functioning of the right of access to public information in municipalities in the Mazowieckie Province will be the voter turnout in the 2018 local elections. Addressing the issue of access to information, as a fundamental political right that guarantees a catalog of specific tools, the primary purpose of which is to fairly and effectively ensure the participation of citizens in political processes, it is necessary to distinguish two contained scopes of these rights. A prerequisite for the actual realization of the right of access to information is a legitimate sense that the realization of this right is carried out on both levels - both on the part of the authorities and on the part of citizens<sup>13</sup>. Only the fulfillment of both of these prerequisites of a democratic state of law. Therefore, in the empirical part, the analysis of citizens' activity in exercising the right of access to public information by request will be undertaken, as well as the information activity of municipalities determined by the new conditions of the information society, for which the analysis of the activity of the lowest level of local government units on Facebook will be used.

The primary way to make public information available is to announce it in the Public Information Bulletin. The second complementary form is the release of information upon request. Thus, the legislature has made a categorization. By recognizing that the public information personified in the law, in the opinion of the legislator, due to its type, nature, and therefore social importance, should be published in the BIP. Consequently, public information not personified in the law was deemed to be one that does not contain such a load of momentousness and importance for the local community that its possessor is obliged to make it public in the publisher. Thus, the legislator left it up to the entities disposing of the information to assess which information should be published in the Public Information Bulletin. Thus, the information that is made available in the BIP is the implementation of a statutory obligation and the will of the disposer. Accordingly, making such information public by recognizing it as relevant to the public is an expression of the attributes of the author of the BIP. As a result,

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<sup>11</sup> A. Siatkowski, *Kompetencje obywatelskie a aktywność w sferze publicznej*, Wydawnictwo Fundacji Humaniora, Poznań 2014, s. 126-130.

<sup>12</sup> S. Michałowski, *Polityka informacyjna w samorządzie terytorialnym a partycypacja społeczna*, w: *Media a demokracja*, L. Pokrzycka, W. Micha (red.), Wydawnictwo UMCS, Lublin 2007, s. 77.

<sup>13</sup> M. Szulczewski, *Informacja społeczna*, dz. cyt., str. 31-33.

public information that is not personified in the law has been recognized as one that does not carry such a load of significance and importance for the local community that its disposer is obliged to make it public in the publisher<sup>14</sup>. In the legislator's assumption, public information that is not personified in Article 8(3) of the u.d.i.p., by definition, does not contain such charge, significance and importance for the local community that the disposer is obliged to publish it ex officio in the designated publisher. In view of the will of the legislator, the intention to make available information in the Public Information Bulletin that is not explicitly indicated in the law remains at the discretion of its disposer<sup>15</sup>.

Information published in the Public Information Bulletin is thus the category of information that the authorities wish to make available (whether as a result of being obligated by law or at their own discretion). Publication of public information in the Public Information Bulletin constitutes, in addition to placing it in a central repository of public information, or placing or lining it in a publicly accessible place, the basic mode of providing public information on the initiative of an authority<sup>16</sup>. The ability to possess information and make it available on purpose is a social advantage that appears to be the power potential of its disposers. The request mode of access to public information is a reflection of the information needs of citizens. This is because it is the only way to obtain information not made available by its disposers. As a result, the information obtained through the request mode expresses what matters are important to the local community and individual citizens, but at the same time have not been recognized as such by the authorities. Thus, this is information that, by its nature, is important and even necessary for the functioning of society in the opinion of citizens, but remains undisclosed by the disposers. Thus, the structure of requests for access to public information by request will help show the dissonance between what information the authorities disseminate and what information citizens need. Therefore, the subject of the study of the functioning of the right of access to public information, as a fundamental political right in a democratic legal state.

In accordance with the research assumption, the effect of this analysis will be an attempt to demonstrate the level of civic activity of society at the local level, the civic competencies possessed or in deficit, as well as the categories of information that are relevant to these communities. The basis of the analysis made in the part of the work devoted to analyzing the

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<sup>14</sup> Wyrok NSA z 20.09.2018 r., I OSK 1359/18, LEX nr 2554828.

<sup>15</sup> P. Szustakiewicz, *Zakres przedmiotowy informacji publicznej*. Glosa do wyroku NSA z dnia 13 lutego 2019 r., I OSK 315/17, ST 2019, nr 11, s. 76-81.

<sup>16</sup> Tenże, *Dostęp do informacji na podstawie przepisów ustawy o dostępie do informacji publicznej*, dz.cyt., s. 57.

functioning of the right of access to information is the view that information in itself has the attributes of authority<sup>17</sup>.

The starting point for the empirical research in this dissertation is the claim that public information obtained by request is an expression of citizens' recognition that it is relevant and momentous to society. For this reason, the dissertation considers access to information by request as an expression of civil society, as a fundamental political right, a tool for government control and a measure of public involvement<sup>18</sup>. Issues related to the impact of civilizational development on information relations have become an almost classic element of discourse at the intersection of political science and sociological science. On the wave of these changes has developed the phenomenon of new channels of mass communication, such as social media<sup>19</sup>.

Social media are increasingly being used by politicians and administrations, not only at the state level, but also at the local level. The role of social networks at the local level can be expressed in many ways, including becoming a platform for public debate, allowing information to reach decision-makers directly and the entry of information recipients into the role of sender. The local level of social media communication reflects the concepts of community.<sup>20</sup> The use of social networks in the sphere of public communication also raises all sorts of problems, resulting, among other things, from a lack of competence in understanding information, its processing or selection, as well as from limited access to the network. Therefore, the paper attempts to discuss issues related to running a page on the most popular social networking site - Facebook by municipalities in the Mazovian province.

The issue of lawmaking in the state is a consistently interesting and important subject of scientific research, especially in the field of constitutional law. A review of the literature on the subject reveals a plethora of studies on openness of public life and access to public information. However, it also indicates the lack of comprehensive titles, constituting an analysis of the state and functioning of this matter taking into account social, political, administrative and legal conditions. At the basis of this work is the conviction that there are research tasks in this field that need to be undertaken and that offer the possibility of introducing new approaches and interpretive proposals into the thematic space evoked above.

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<sup>17</sup> A. Rogala-Lewicki, dz. cyt., s. 6-17.

<sup>18</sup> P. Szustakiewicz, *Zakres przedmiotowy informacji publicznej*. Glosa do wyroku NSA z dnia 13 lutego 2019 r., I OSK 315/17, ST 2019, nr 11, s. 76-81.

<sup>19</sup> G. Piechota, *Zarządzanie procesem komunikowania w mediach społecznościowych przez miasta Metropolii Silesia i ich prezydentów*, „Zarządzanie Publiczne” 2012, nr 22, s. 52-67.

<sup>20</sup> Tamże, s. 52-67.



The main objective of the dissertation is to try to answer the question of how far the establishment and application of the norms of the law of access to public information realizes the demands of civil society as a factor shaping the functioning of a democratic state of law. The complexity of this issue requires addressing a number of research areas. Therefore, the dissertation includes theoretical considerations of the concept of information, social information and public information in the perspective of the ideas of civil society and the impact on the functioning of a democratic legal state. At the level of the normative act, a complex analysis was carried out in the field of legislating access to public information taking into account the formal and informal sources of these regulations at both the constitutional and statutory levels. These considerations include the issues of the introduction of new regulations in the form of a constitutional norm or law, but also the formal and informal sources of their changes taking into account the most important institutions of a democratic state of law. At the practical level, an attempt is made to assess the functioning of the right of access to public information as a special form of civil society taking into account in this regard especially the factor on the side of the citizens.

Of key importance for the analysis of a specific research area is the correct selection of research methods. The main idea is such a selection of research methods that will allow to learn about the rules and norms of axionormative order in the entire complexity of the phenomenon, not only from the side of formalized elements (legal norms), but also from the side of non-formalized elements (rules, norms and informal institutions). Such an approach makes it possible to organize and modernize knowledge about the goals of human action - as a social being - and the ways of achieving these goals through legal institutions and non-legal norms, in particular, about the rationale and ways of exerting pressure on the course of legislative proceedings, the frequency of changes in the law and its application in the area concerning access to information as an element of civil society in a democratic state of law. Due to the complexity of the issues under consideration, the method is based on classical research methods typical of political and administrative sciences, legal sciences<sup>21</sup>.

The methods of law-comparative analysis, law-dogmatic analysis and law-historical method were used to solve the research problems and verify the adopted hypothesis in the legal layer. The method of law-comparative analysis, involves comparing the relevant norms and institutions of the state system and the systems of foreign countries of research and scientific interest. Research using the law-comparative method can combine the solution of dogmatic

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<sup>21</sup> P. Chmielnicki, *Metodyka badań nad źródłami powstawania prawa, Część I. Podstawy*, „Przegląd Prawa Publicznego”, 2012, nr 3, s. 90-101.

problems with socio-technical problems. This method is used to prepare solutions to the policy of lawmaking and is particularly applicable to research that takes into account the unification of the laws of different countries, the similarity of legal systems of some type. In the dissertation, this method was used in the comparison of the European Union member states with the law in Poland on access to public information.

The legal and dogmatic method involves a comprehensive analysis of the interpretation of Polish law provisions, while taking into account the views of doctrine and case law. A legal and historical method, the essence of which is the assumption that legal institutions and norms are dynamic in nature, and that questions about the origins of the institution under study are necessary. The legal and historical method allows to demonstrate the dynamics and scope of changes in norms, taking into account social and political conditions. Getting to know the process of creating a given legal norm or institution allows for a more complete understanding of it. The legal and historical method is also helpful in showing the development of legal institutions in public consciousness<sup>22</sup>. This method was used in the parts of this work devoted to the analysis of the origins and development of the right to access public information, both at the constitutional and statutory levels.

In the political science layer, the decision-making method, the institutional and legal analysis method, the document examination method, as well as the diagnostic survey method typical of social sciences were used in quantitative and qualitative terms. The work also uses the method of literature analysis and criticism.

The decision-making method involves the analysis of political reality in terms of the impact of decisions made by various centers on changes in the system caused by them. The decision-making method was applied to research areas relating to the right of access to public information at the constitutional and statutory level in the European Union Member States, regarding the origins of the right to access public information in Poland, as well as to research areas relating to existing and planned amendments to the Act.

The method of institutional and legal analysis, consisting in the study of normative acts created by legal institutions, was widely used due to the subject scope of the dissertation. It was used to analyze the provisions of the Constitution and the Act on Access to Public Information.

The method of examining documents was equally important due to the nature of the dissertation, because documents, as research material, can provide information about both the

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<sup>22</sup> M. Górnicka, *Wersja systemowa metody historyczno-prawnej na przykładzie prawa dowodowego w polskiej procedurze karnej*, „Folia Iuridica Universitatis Wratislaviensis” 2015, nr 4 (2), s. 9–34.

functioning of institutions and the course of a social phenomenon<sup>23</sup>. This method included, among others: examination of documentation related to the establishment and amendments to the Act on Access to Public Information, analysis of archival documents, including collections from the Archives of Political Parties of the Polish Academy of Sciences and the Archives of the Sejm, and analysis of selected documents obtained from municipalities as part of their own research.

When constructing the work, it was deemed necessary to use quantitative models, considering the need for considerations regarding the functioning of the right of access to public information at the commune level. The quantitative and qualitative approach using the diagnostic survey method was intended to conduct research on the level of activity of citizens and municipal authorities in the functioning of the right of access to public information. This method included, among others: examining the number of requests for access to public information in communes in the Masovian Voivodeship, the scope of information requested and trends in the activities of communes caused by technological progress in terms of their activities on the Facebook social networking site. The research using the diagnostic survey method was carried out using the survey technique - sent to municipalities under a request for access to public information. In order to verify the research hypotheses, the research undertaken under this method was comprehensive and covered all communes in the Masovian Voivodeship. Quantitative research describes reality by answering questions about the frequency of occurrence of a certain phenomenon or attitude in a given population. It is a method that aims to explain social reality by searching for the rules that govern it. It is a reliable and easy to verify way of measuring attitudes and behaviors. Therefore, quantitative research was carried out on the functioning of the right to access public information. Quantitative research involves illustrating general patterns in a large collection, while qualitative research illustrates individuals' experiences of ongoing phenomena, processes or events in a specific place.

Qualitative research aims to provide a deeper, multi-faceted understanding of social phenomena than can be obtained from quantitative research. Both methods complement each other. The quantitative method used in the work allows to determine the extent to which citizens are interested in public information obtained on request. The qualitative method makes it possible to examine the structure of requests for access to public information in the application mode by verifying what scope of information is of interest to citizens. The method of analysis and criticism of the literature found particular application in the first chapter devoted to

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<sup>23</sup> S. Juszczyk, *Badania jakościowe w naukach społecznych : szkice metodologiczne*, Wydawnictwo Uniwersytetu Śląskiego, Katowice s. 2013, s. 93-109.

theoretical considerations, however, it was used in all parts of the work by analyzing Polish and foreign literature related to the research problem being solved.

The methodological assumptions of the doctoral thesis thus fulfill the postulate of combining theoretical theses with practical research in social sciences. The work consists of five chapters preceded by an introduction and a conclusion. Each chapter has been constructed in such a way that it can constitute a separate analytical block. This independence, however, is conventional because all parts of the work constitute a substantive whole that refers to a common space of research problems. The implementation of the assumptions and goals of the work required a complete reflection from various perspectives.

The first chapter was devoted to considerations regarding the concept of information, social information, in what aspect and in what sense the concept of information is used in the dissertation, what it means, what distinguishes public information, and what is its subject. The first chapter also discusses the importance and function of public information in the functioning of the state, local governments, the media and citizens. The type and scope of public information at the local level were also distinguished. The first chapter also shows the historical and political context of the functioning of information in public space. Issues regarding the role of information in building a democratic state were also indicated.

The special role of information in social space, as well as the new information conditions of modern civilization, require the establishment of precise, transparent and non-discretionary legal regulations regarding access to information. It is a basic element of people's functioning in the social, cultural and political space. Information is a condition for human participation in society. This chapter is an attempt to show the essence of information as a basic element shaping the functioning of society, taking into account both the perspective of perceiving information as a tool of power and as a factor determining the social activity of citizens. In the context of the research task of this work, it is crucial to present the properties of social information for building a democratic state of law. The issues presented in this part of the work constitute a starting point for further considerations regarding the social, political, administrative and legal aspects of establishing and functioning the right to access information at the local level in Poland.

The second chapter discusses the development of regulations on the right to access public information at the constitutional and statutory level in the Member States of the European Union. Moreover, attention is paid to the relationship between integration processes and the introduction of the right to information into the legal order. This part also includes a

comparative analysis of the basic regulations on the right to access public information at the constitutional and statutory level in the Member States of the European Union.

Intensive integration processes that took place at the turn of the 20th century and the beginning of the 21st century were a determinant of the development of legal regulations in the field of access to public information at the international level and in intra-state systems. The right to public information has been regulated at the state level in many countries in Europe and around the world.

In this part of the work, formal and informal sources of constitutionalization of the right to access public information in Poland will be demonstrated in order to try to determine to what extent the creation of this right at the political level was intended to shape the idea of civil society in a democratic state ruled by law. For this reason, this part of the work is devoted to the analysis to what extent the right of access to public information was included in the draft constitutions before the adoption of the Constitution of the Republic of Poland in 1997 and the comparison of the regulations on the right to access information in the constitutions of the European Union member states.

The third chapter is an analysis of formal and informal sources of establishing the right to access information at the statutory level in Poland. It presents the scope of norms formulated in this area in the draft constitutions before the adoption of the Constitution of the Republic of Poland of 1997 and in the text of the current constitution. The next part of the chapter is devoted to the analysis of political party programs before the Act on Access to Public Information was created. As part of research on the origins of the right to access public information, the last part of the third chapter concerns the analysis of the legislative initiative and the legislative process of the examined matter.

Due to the importance of the act as a tool for exercising power and a factor shaping a democratic state of law, as well as within the scope of regulating the right to access to information as a factor determining the existence of civil society, the analysis of formal and informal sources of this law in Poland was important for the research purposes of the dissertation.

The presented chapter examines the impact of statutory regulations in the Member States of the European Union on Polish legislation in the field of access to public information, in which an attempt will be made to answer the question to what extent these solutions are original and to what extent they are a copy of European solutions. . Research was also undertaken on the sources of legislative initiative, comparing its formal and informal aspects. For this purpose,

the programs of political parties and documents created in the legislative process as part of the creation of the act were analyzed.

The fourth chapter is devoted to factors influencing changes in regulations regarding access to information, both at the constitutional and statutory levels. The research, the results of which are presented in this part of the work, covered various institutions, in particular, drafts of new constitutions and laws, changes to the content of the act, and case law. This part of the work analyzes changes in the right to access public information, taking into account the social, legal and political aspects of these changes. This chapter looks at the possible actual goals of actions taken by various authorities in the field of amending the right to information. Too frequent changes in the law, either through amendments or adoption of new legal acts, which are disproportionate to the actual state, social or economic needs, contradict the principles of good legislation. Nowadays, the biggest problem of law-making in Poland is hyperinflation. The lack of legal stability in the country makes it impossible to implement the principles of a democratic state of law. The consequence of too frequent changes in law is not only the destabilization of the application of this law, but also the lack of stabilization of case law.

The presented chapter assesses the consequences of creating discretionary legal regulations regarding access to public information. An attempt will also be made to answer the question to what extent changes have been made to the right to information or what was the scope of proposals to change this right, and what consequences this may have for the transparency of public life and the application of the provisions of the Act. The research area of this chapter is also influenced by capturing the issue from the perspective of the functioning of the principle of civil society in a democratic state ruled by law. Therefore, the analysis covered various instruments affecting law-making and the functioning of civil society at the level of a normative act. The study covered proposals for changes to constitutional and statutory regulations, as well as the area related to the activities of the Constitutional Tribunal and the judiciary.

The fifth chapter presents own research on the functioning of the right to access public information in communes in the Masovian Voivodeship. In this part of the work, issues related to citizens' activity in terms of access to public information in the application mode were analyzed. An important part of the work is the presentation of research results regarding what categories of information are of interest to applicants, as well as what groups of citizens are interested in public information.

Therefore, the aim of this part of the work is an attempt to assess the functioning of the right of access to public information, showing to what extent citizens use the right of access to

public information and what impact the new social conditions of the information society have on the information activities of municipal authorities.

This chapter was devoted to presenting the results of quantitative and qualitative research on the functioning of the right to access information in communes in the Masovian Voivodeship. Due to the adopted concept, this chapter will attempt to answer the questions to what extent citizens are interested in public information in the request mode, what categories of public matters are the subject of requests for access to information in municipalities, and whether the scope of information requested in municipalities implements the ideas of civil society in the Masovian Voivodeship? In addition, an attempt will be made to answer the question whether municipalities conduct information activities on social networking sites - if so, what impact does it have on the openness of public life as a factor shaping civil society in a democratic state ruled by law?

The dissertation is concluded with the results and conclusions from the research instruments used in the scientific work, which are responses to the articulated research hypotheses, and a summary of the main comments and assessments is made, providing the basis for providing answers to the theses and research hypotheses in the doctoral dissertation.

The main part of the analyzes concerns the entire period of the Third Polish Republic and the transformation period. The work also includes historical references, covering the period from the modern history of Poland and the world, to references to sources and political concepts from distant eras. The research area of the empirical part of the dissertation covers the Masovian Voivodeship in the years 2016–2020. The proposed time range results from the fact that it takes into account the turn of two terms in municipal government, and thus the period of local government elections in 2018. The work concerns the current state of affairs, both in normative and political-sociological terms, because survey research in municipalities was conducted in 2016-2020.