

Translation from Polish

Schedule 4 to Regulation 199 issued by the Rector of the University of Silesia on 18 December 2024

Regulation 126 of 28 August 2024

issued by the Rector of the University of Silesia in Katowice

on the procedure for the verification of individuals employed or authorized to engage in other activities involving contact with minors

In accordance with Article 23(1) of the Act of 20 July 2018 on Higher Education and Science (consolidated text of Journal of Laws [Dz. U.] of 2023, item 742, as amended) and in conjunction with Article 21 of the Act of 13 May 2016 on Countering the Threat of Sexual Offences and Protecting Minors (consolidated text of Journal of Law [Dz. U.] of 2024, item 560), hereinafter referred to as "the Act," as well as the Regulation dated 31 July 2017, issued by the Minister of Justice, concerning the procedure, manner, and scope of obtaining and providing access to information from the restricted-access register, and regarding the creation of user accounts (Journal of Law [Dz. U.] of 1561, as amended), I hereby order as follows:

(Consolidated Text)

s. 1

1. In accordance with this Regulation, the University of Silesia in Katowice (hereinafter referred to as "the University") shall conduct verification of individuals who are employed or authorised to engage in other activities that involve contact with minors.

2. For the purposes of this Regulation, "activities involving contact with minors" are defined as those related to the minors' upbringing, education, recreation, medical treatment, provision of psychological counselling, spiritual development, sports, or other interests concerning minors, as well as their care.

s. 2

1. The following individuals are required to verify the Sex Offender Register:

(1) Authorized employees from the Department of Personal and Social Affairs are required to perform this verification for candidates seeking employment in roles that involve contact with minors, prior to the establishment of any employment relationship.

(2) Authorized employees of faculties, doctoral schools, other organizational units, and university-wide administrative units must conduct this verification for the following groups, ensuring compliance before any member of such groups engages in any activities involving minors:

- (a) Students
- (b) Doctoral students
- (c) Postgraduate students
- (d) Trainees and volunteers
- (e) Individuals engaged in other activities under civil law contracts

This verification process is particularly crucial prior to the commencement of classes, traineeships, workshops, or the signing of any civil law agreements.

2. The list of authorized individuals mentioned in s. 2(1) will be accessible on the University's official website.

3. Primary organizers of events are required to identify individuals who must be checked against the Sex Offender Register in relation to their roles involving contact with minors. Primary organizers are also responsible for informing the authorized personnel mentioned in s. 2(1) about these individuals.

4. University employees assigned to tasks involving contact with minors may, on their own initiative, request information regarding their status in the Sex Offender Register. This information can be acquired through either the authorized personnel specified in s. 2(1) or directly via the ICT system managed by the Polish Minister of Justice.

5. In order to comply with the obligations outlined in s. 2(1), the following data must be collected: full name, date of birth, PESEL number, original name [nazwisko rodowe], father's name, and mother's name. This information can be obtained using the form provided in Schedule 1 to this Regulation.

6. Details regarding the processing of personal data in certificates from the Sex Offender Register for individuals undergoing verification of their criminal records are included in Schedule 2 to this Regulation.

s. 3

1. Before entering into an employment relationship or engaging in any other activity involving contact with minors, any individual must provide as follows:

(1) Up-to-date information from the National Criminal Register [Krajowy Rejestr Karny] regarding any offenses specified in the following:

- Chapter XIX of the Criminal Code (Offences against Life and Health)
- Chapter XXV of the Criminal Code (Offences against Sexual Freedom and Decency)
- Article 189a of the Criminal Code (Trafficking in Human Beings)
- Article 207 of the Criminal Code (Bullying)
- The Act on Counteracting Drug Addiction of 29 July 2005 or for corresponding offences specified in foreign laws.

This information can be obtained in the form of a certificate issued to the individual at one of the information points of the National Criminal Register [Krajowy Rejestr Karny] located at common courts, at the Information Office of the National Criminal Register, or through the electronic system of the National Criminal Register.

(2) A declaration detailing the countries or regions where they have resided over the last 20 years, excluding the Republic of Poland and their country of citizenship. Additionally, they must submit a certificate with up-to-date information from the criminal records of these countries, obtained for the purpose of professional or voluntary activities involving contact with minors.

(3) For individuals holding citizenship from countries other than the Republic of Poland, a certificate of good conduct from the criminal register of their country of citizenship, obtained for the purposes of professional or voluntary activities involving contact with minors.

(4) If the laws of the country mentioned in s. 3(2) or s. 3(3) do not allow for the issuance of information specifically for professional or voluntary activities involving contact with minor, the individual must submit a certificate containing up-to-date information from that country's criminal records.

(5) Where the laws of the country from which the information referred to in (2) through (4) is submitted do not provide for the preparation of such documentation, or if that country does not maintain criminal records, the individual must provide a declaration to the University confirming this. Additionally, they must declare that they have not been validly convicted in that country of offences defined in Chapters XIX and XXV of the Polish Criminal Code, particularly regarding Articles 189a and

207, as well as the Polish Act of 29 July 2005 on Counteracting Drug Addiction. Furthermore, they should state that no other judgments have been issued against them for committing prohibited acts and that they are not subject to any court decisions, orders from authorized bodies, or legal provisions that prohibit them from occupying certain positions or engaging in professions or activities that involve contact with minors.

2. The declarations mentioned in s. 3(1)(2) and s. 3(1)(5) must be made with the understanding that making a false declaration may result in criminal liability. The individual making the declaration must include the following clause: "I acknowledge the criminal liability for making a false declaration". This clause supersedes previous instructions regarding criminal liability for making false statements.

2a. A model declaration detailing the countries of residence over the past 20 years, excluding both the Republic of Poland and the individual's country of citizenship, is included as Schedule 3 to the Regulation.

2b. The model declaration that must be submitted for the case mentioned in s.3(1)(5) is included as Schedule 4 to this Regulation.

3. The University shall reimburse individuals who are employed by the University under an employment contract, for the fee paid for the National Criminal Register information. This reimbursement will be in accordance with the guidelines established by the Rector, as outlined in the *Instructions for verifying individuals employed or authorised to engage in activities involving contact with minors* [Instrukcja dotycząca przeprowadzania weryfikacji osób zatrudnianych lub dopuszczanych do innej działalności związanej z kontaktem z małoletnimi].

s. 4

Documentation verifying individuals employed or authorised to engage in activities with minors must be included in the employee's personal file. This documentation may consist of certified photocopies or printouts from relevant registers, as well as original declarations made with the understanding that making a false statement may result in criminal liability. For other individuals, such as students, doctoral students, or postgraduate students, this documentation should be attached to their personal file. Additionally, documentation related to the specific event or any civil law contracts must also be included.

s. 5

(1) Verified individuals are advised to notify the University of any changes in their data within the National Criminal Register or any alterations that impact the documents outlined in Article 21 of the Act, which may hinder their ability to perform tasks involving contact with minors.

(2) The provisions of the Act, particularly those in Chapter 3, shall apply to any matters not addressed by this Regulation.

s. 6

The Regulation shall enter into force on the date of signature.

Rector of the University of Silesia

Prof. Ryszard Koziółek

The End of Translation