Ordinance No. 28/2024

Rector of Lodz University of Technology

August 8, 2024

regarding the rules for the verification of individuals in connection with the provisions of the Act on counteracting the threat of sexual offences
and protection of minors

On the basis of Article 23(2)(2) and (5) of the Act of 20 July 2018 - Law on Higher Education and Science (i.e. Journal of Laws of 2023, item 742, as amended), § 14 (1) of the Statute of Lodz University of Technology – Resolution No. 88/2019 of the Senate of Lodz University of Technology of July 10, 2019, in connection with:

1) Article 21 of the Act of 13 May 2016 on counteracting the threat of sexual offences and protection of minors (i.e., Journal Laws of 2024, item 560);

2) Regulation of the Minister of Justice of 31 July 2017 on the procedure, method and scope of obtaining and making available information from the Register with limited access and the method of setting up a user account (Journal of Laws of 2017, item 1561, as amended);

3) the Act of 24 May 2000 on the National Criminal Register (i.e., Journal of Laws of 2024, item 276)

I decree the following:

§ 1

1. The principles set out in this regulation are intended to counteract sexual threats against minors at the University. The effectiveness of actions in this area is to be ensured by verification of persons having contact with minors before entering into an employment relationship with them or before allowing them to participate in activities related to the upbringing, education, recreation, practicing sports, providing psychological counselling or pursuing other interests of minors or caring for them.

2. The terms used in this regulation mean:

1) minor – a person under 18 years of age who has not entered into marriage;

2) Act – Act of 13 May 2016 Act on counteracting the threat of sexual offences the protection of minors (i.e., Journal of Laws of 2024, item 560);

3) Penal Code – Act of 6 June 1997 – Penal Code (i.e., Journal of Laws of 2024, item 17);

4) Register – the Register of Sexual Offenders referred to in Article 4 of the Act;

5) KRK – National Criminal Register;

6) University – Lodz University of Technology;

7) Representative – Director of the Human Capital Management Centre;

8) Authorized Representative – a person to whom the Rector of the University has granted power of attorney to request information from the Register.

§ 2

**Subject scope**

1. At the University, the activities referred to in § 1 (1) are considered to be:

1) conducting teaching classes within the framework of first and second cycle studies, educating doctoral students;

2) conducting courses, trainings and summer schools, postgraduate studies;

3) conducting classes at the Non-public Nursery of Lodz University of Technology in Lodz;

4) conducting classes at the Non-public Kindergarten of Lodz University of Technology in Lodz;

5) conducting classes at the Public Secondary School of Lodz University of Technology;

6) conducting classes at the Lodz Children's University of Lodz University of Technology;

7) conducting classes at the TUL Sports and Education Centre "Sports Bay";

8) organizing events of an entertainment, science dissemination, university promotion, integration, recreational, sports, tourist, etc. nature (including by student and doctoral student self-governments and university organizations);

9) providing psychological support;

10) other events of an educational, upbringing, recreational and sporting nature, provided that minors participate in them.

2. In the event of negative verification, the employee shall not be allowed to perform the activities referred to in 1.

§ 3

**Responsibilities on the part of the University**

1. The Rector of Lodz University of Technology, the Representative, and the Proxies are authorized and obliged to verify in the Register:

1) candidates for jobs related to activities covered by the protection of minors with whom an employment contract or other civil law contract is to be concluded – before concluding the contract;

2) employees who perform tasks related to activities covered by the protection of minors – before allowing them to perform these tasks.

2. The Rector of Lodz University of Technology, the Representative, Deans of Faculties and Directors/Heads of organizational units/cells are authorized and obliged to verify in the Register:

1) students;

2) doctoral students;

3) participants in postgraduate studies;

4) persons accepted at the University for internships, apprenticeships and volunteering;

5) persons performing other activities on the basis of other agreements concluded on behalf of or for the benefit of the University, including contracts for specific work, contracts for services, contracts for the provision of services and other civil law contracts

– whose tasks are related to activities covered by the protection of minors – before allowing these persons to participate in such activities, in particular before they undertake classes, professional internships, practical classes or before concluding a civil law contract covering such tasks, in connection with the implementation of projects financed from external sources or in connection with events addressed to school students or an unspecified group of people (e.g. festivals, open days, etc.).

Persons who do not have access to the Register shall inform and send lists of persons to the Proxies and the Representative for the purpose of their verification, in particular before they commence classes, professional internships, practical classes or before concluding an agreement covering such tasks.

3. The Rector of Lodz University of Technology, the Representative and the Proxies are authorized to verify in the Register:

1) project managers who are not employees of the University, implementing projects on the basis of an agreement between the University and a project manager who is not an employee of the University;

2) persons involved in the implementation of activities and financed from external funds (projects) on the basis of civil law contracts, who are not also employees of the University.

Persons who do not have access to the Register shall inform and send lists of persons to the Proxies and the Representative for the purpose of their verification before concluding an agreement covering the activities referred to in § 1 (1).

4. Heads of organizational units of the University or event organizers are obliged to inform and send a list of persons whose tasks are related to activities covered by the protection of minors to the Representative or Proxy, for the purpose of their verification in the Register in connection with entrusting them with tasks related to the activities referred to in § 1 (1), or to employees of the units referred to in (2) and (3).

5. In the event that fulfillment of the obligation to submit documents referred to in Article 21 (3-7) of the Act conditions the possibility of undertaking education or the possibility of being allowed to participate in classes:

1) the Dean in consultation with the head of the field of study – in the scope of education at university;

2) director of postgraduate studies – in the field of postgraduate education;

3) director of the Interdisciplinary Doctoral School of Lodz University of Technology – in the field of education at the doctoral school

– are responsible for publishing information on the list of classes to which the above-mentioned obligations apply and for providing information on studies/postgraduate studies/education at the Interdisciplinary Doctoral School of Lodz University of Technology/study programs/doctoral education programs to which the above-mentioned obligations apply to the Admissions Department before the adoption of the admission conditions, in time to allow for their consideration when communicating the admission conditions.

6. Verification also applies to employees and persons providing work under civil law contracts working at the University before the date of entry into force of the obligation referred to in the Act.

7. The verification does not apply to academic teachers employed at the University before 15 February 2024, who submit a declaration of no criminal record before being allowed to perform tasks related to the activities referred to in § 2 (1)

§ 4

**Employee's Responsibilities**

1. Each person, before taking up employment or being allowed to perform activities related to activities covered by the protection of minors, is obliged to submit information from the National Criminal Register (KRK) regarding the offences specified in the Penal Code:

1) in chapters XIX (Crimes against Life and Health) and XXV (Crimes against Sexual Freedom and Decency);

2) in Article 189a (Human Trafficking) and Article 207 (Ill-treatment);

3) in the Act of 29 July 2005 on Counteracting Drug Addiction (i.e., Journal of Laws of 2023, item 1939);

4) corresponding to the offences prohibited under foreign law.

2. Information obtained in paper or electronic form is submitted to an employee of the University's organizational unit authorized to process personal data necessary to verify persons performing tasks related to activities covered by the protection of minors.

3. Any person who has resided in countries other than the Republic of Poland and the country of citizenship for the last 20 years - before taking up employment or being allowed to participate in activities related to the protection of minors - is obliged to submit a declaration of this fact and to submit information from the criminal records of these countries obtained for the purposes of professional or volunteer activities related to contacts with children.

4. Persons who are not citizens of the Republic of Poland are additionally obliged to submit declarations and documents in accordance with the provisions of Article 21 (4-7) of the Act.

5. The verified person is obliged to immediately inform the University of any change of data in the KRK or any change affecting the content of documents resulting from Article 21 of the Act, preventing the performance of tasks related to activities covered by the protection of minors.

6. Information from the National Criminal Register is obtained by persons before taking up employment or being admitted to the activities referred to in § 1 (1), in paper or electronic form. The costs are borne by the person obliged to submit information from the National Criminal Register.

§ 5

**The method of fulfilling obligations**

1. The verification referred to in § 3 is carried out via an institutional account set up in the IT system made available on the website of the Minister of Justice, administered by the Rector of Lodz University of Technology.

2. The administrator's duties include:

1) granting power of attorney to access the Register;

2) entering and deleting data of employees who perform verification in the Register;

3) conducting correspondence with the Information Office of the National Criminal Register.

3. The duties of the Representative/Proxy include:

1) maintaining and updating the list of employees responsible for verification;

2) conducting correspondence with the Information Office of the National Criminal Register;

3) verification of the candidate in the Register in the system by the Information Office of the National Criminal Register;

4) providing the candidate with the "Clause regarding the processing of personal data for the purpose of verifying persons in the Register" constituting an appendix to this Ordinance.

§ 6

**Documentation and archiving**

1. Documentation related to the verification of individuals employed or permitted to perform activities covered by the protection of minors is recorded and stored in:

1) Human Capital Management Centre if they concern an employee admitted to the activities referred to in § 1 (1), on the basis of an employment contract;

2) a substantive unit of the University if it concerns an individual admitted to activities related to upbringing, education, recreation, treatment, provision of advice, referred to in § 2 (1), on the basis of a contract of mandate, volunteering contract or other civil law contract.

2. Verification of persons who, in connection with their employment or duties performed, have not previously undergone verification should be carried out immediately after obtaining access to the system.

§ 7

The Ordinance enters into force on August 8, 2024.

Associate Professor Witold Pawłowski Ph.D., D.Sc.

Vice-Rector for Student Affairs at Lodz University of Technology

*/-signed with a qualified digital signature/*

Attachment

to Ordinance No. 28/2024 of August 8, 2024, regarding the rules for the verification of individuals

in connection with the provisions of the Act on counteracting the threat

of sexual offences and the protection of minors

**Clause regarding the processing of personal data for the purpose of verifying persons in the Register**

In accordance with Article 13 (1) and (2) of 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 (General Data Protection Regulation) (OJ EU. L. of 2016, No. 119, p. 1, as amended), hereinafter referred to as "GDPR", we inform you that:

1) the administrator of personal data is Lodz University of Technology, address Żeromskiego 116, 90-924 Lodz, represented by His Magnificence the Rector.

2) the administrator has appointed a Personal Data Protection Officer, e-mail contact in matters concerning personal data: iod@adm.p.lodz.pl, phone no. 42 631 20 39 or in writing to the address of the data administrator.

3) the personal data administrator processes personal data on the basis of Article 6 (1) letter (c) of the aforementioned regulation in connection with the Act of 13 May 2016 on counteracting the threat of sexual offences and protection of minors (Journal of Laws of 2024, item 560);

4) the provision of personal data in connection with the obligation incumbent on the administrator is obligatory;

5) the recipients of personal data collected in connection with the implementation of the purpose will be only persons or entities entitled to receive them under the provisions of common law; they may also be transferred to entities cooperating with Lodz University of Technology on the basis of entrustment agreements concluded in accordance with Article 28 of the GDPR, including in connection with IT support or handling correspondence. This data will not be sold, nor will it be transferred to other countries or international organizations;

6) personal data will be stored for the period necessary to achieve the purpose specified above;

7) in relation to personal data, decisions will not be made in an automated manner, pursuant to Article 22 of the GDPR;

8) the data subject has the right to:

a) under Article 15 of the GDPR, the right to access personal data concerning him/her,

b) pursuant to Article 16 of the GDPR, the right to rectify personal data,

c) under Article 18 of the GDPR, the right to request the controller to restrict the processing of personal data, subject to the cases referred to in Article 18 (2) of the GDPR,

d) the right to lodge a complaint with the President of the Personal Data Protection Office if you believe that the processing of your personal data violates the provisions of the GDPR;

9) the data subject does not have the right to transfer personal data, as referred to in Article 20 of the GDPR, or the right to object to the processing of personal data, as the legal basis for the processing of personal data is Article 6 (1) letter (c) of the GDPR.

**Personal data necessary for verification in the Register:**

|  |  |
| --- | --- |
| **PESEL number (if assigned)** |  |
| **First name** |  |
| **Last name** |  |
| **Family name** |  |
| **Father's name** |  |
| **Mother's name** |  |
| **Date of birth** |  |

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*legible signature of the candidate*

Lodz, on …………………………..