

DECISION

Pursuant to Article 74 of the Act of 14 June 1960 - Code of Administrative Procedure (consolidated text in the Polish Journal of Laws of 2017, item 1257, as amended) in connection with Article 8 of the Act of 5 August 2010 on the protection of classified information (consolidated text in the Polish Journal of Laws of 2018, item 412)

I hereby deny

granting to Mrs. Lyudmyla KOZLOVSKA, born on 17 March 1985, the citizen of Ukraine, the right to inspect the case file, take notes from it, or make copies or excerpts of documents containing classified information, which have been given the 'SECRET' classification level.

JUSTIFICATION

Documents containing classified information, which have been given the 'SECRET' classification level, have been removed from the case file regarding the granting to Mrs. Lyudmyla KOZLOVSKA, an EU long-term residence permit on the territory of the Republic of Poland due to the fact that their unauthorised disclosure would cause serious damage to the Republic of Poland.

According to Article 8 of the Act on the Protection of Classified Information of 5 August 2010 (consolidated text in the Polish Journal of Laws of 2018, item 412), classified information, which has been given the appropriate security classification:

1) may be made available only to an authorised person, in accordance with the provisions of the Act regarding access to a certain classification level;

2) must be processed in conditions that prevent their unauthorised disclosure, in accordance with the regulations specifying requirements for secret offices, security of electronic systems, circulation of materials and physical security measures, appropriate to the classification level given;

3) must be protected in accordance with the classification level, with the application of security measures specified in the Act and executive regulations issued on the basis thereof.

According to Article 73 § 1 and 2 of the Act of 14 June 1960 - the Code of Administrative Procedure (consolidated text in the Polish Journal of Laws of 2017, item 1257, as amended), the party has the right to inspect the case file, to take notes from it, and make copies or excerpts of the documents. This right also applies after the proceedings have ended. The party may request authentication of excerpts or copies of the case file or the issue of certified copies from the case file, if it is justified by an important interest of the party.

However, Article 74 of the Code of Administrative Procedure states that the provisions of Article 73 shall not apply to case files containing classified information, given the classification level 'secret' or 'top secret', as well as to other files that the public administration body will remove from the case file due to important state interests. A denial to allow the party to inspect the case file, to make notes, excerpts and copies thereof, authenticate such excerpts and copies or issue certified copies, shall be made by a means of issuance of a decision subject to appeal.

In consideration of the above, it was ruled as stated in the conclusion.

INFORMATION

The decision may be appealed by the party to the the Head of the Foreign Office via me office within 7 days of its serving

Copies to:

1. Ms Alena ZELLIANKO

Proxy of Mrs. Lyudmyla KOZLOVSKA, al. J. Ch. Szucha 11A, office 21, 00-580 Warsaw

2. ad acta

[Ink round seal with the national emblem of the Republic of Poland and an inscription in the rim:] VOIVODE OF MAZOVIA

[Rectangular stamp with the following inscription:] per procura of the VOIVODE OF MAZOVIA, Agata Ewertyńska, Head of the Department for Legalisation of Stay [illegible signature].