

# **Cadastral data in Poland vs GDPR**

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PCC conference in Bruges

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## Agenda



- Structure of Polish Geodetic and Cartographic Service
- Land Register vs Land Cadastre
- GDPR in Polish Geodetic and Cartographic Law
- Limitations in access to personal data stored in Land Cadastre

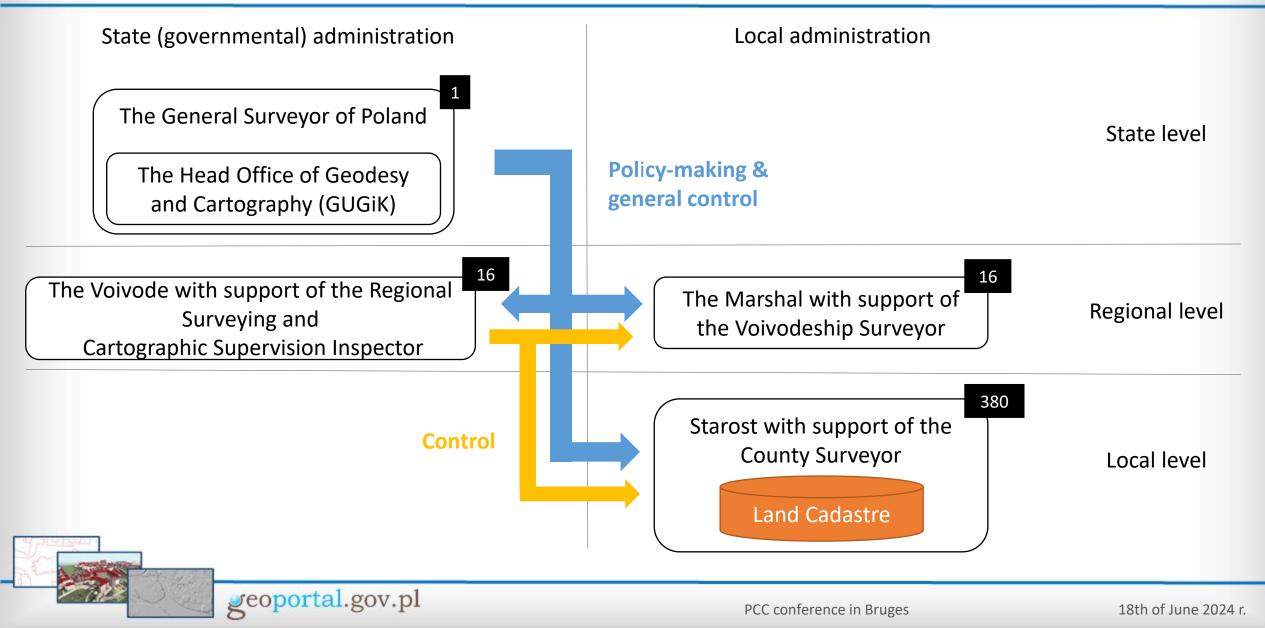
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• Summary



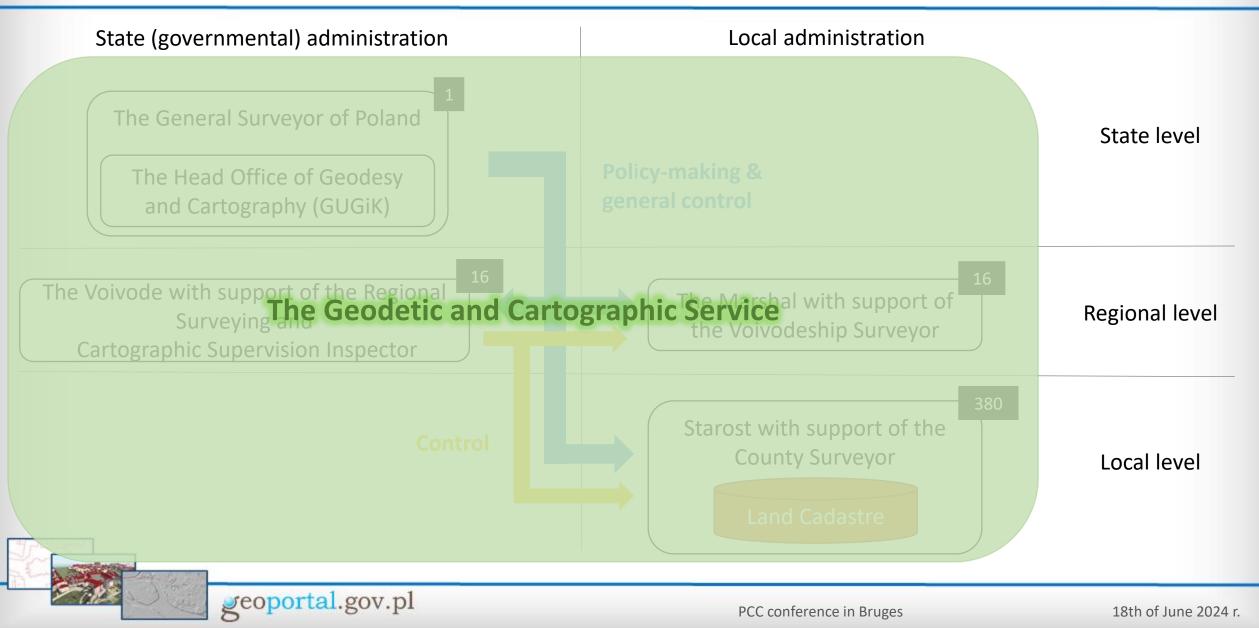
## **Structure of the Polish Geodetic and Cartographic Service**





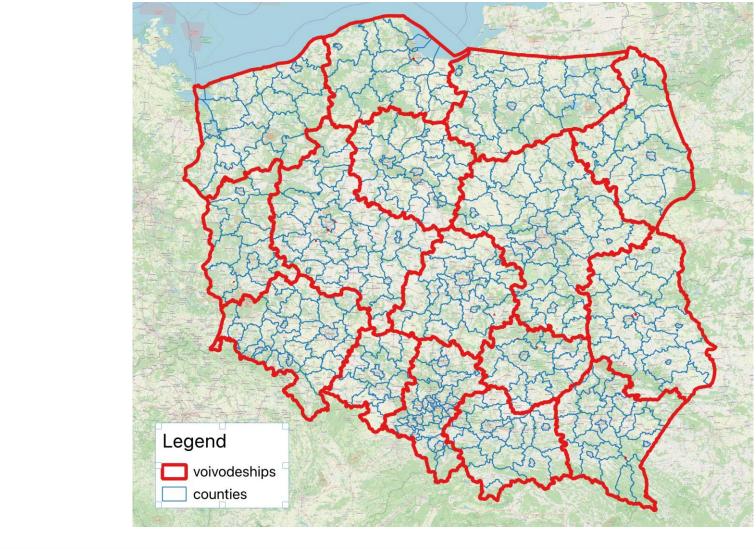
## **Structure of the Polish Geodetic and Cartographic Service**





#### **Structure of the Polish Geodetic and Cartographic Service**





16 voivodeships
380 counties

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### Land Cadastre vs Land Register



#### Land Cadastre

- Managed by the Geodetic and Cartographic Service
- Legally binding regarding spatial extent of ownership rights
- Contains information about parcels, buildings, premises (flats), land use and soil quality (for agriculture land only)
- Contains personal data about owners

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#### Land Register

- Managed by Ministry of Justice and courts
- Legally binding regarding ownership
- Contains information about real estates (consisting of parcels, buildings and premises), mortgage and limited real rights
- Contains personal data about owners



General Data Protection Regulation (GDPR) entered in force on 25th of May 2019 and is applied directly in the Polish law system

- Entry into force of GDPR was followed by the Act of February 21, 2019, Amending Sectoral Laws to Ensure Application of GDPR
- Act of February 21, 2019, introduced changes to the Geodetic and Cartographic Law that also regulates Land Cadastre in Poland
- ✓ The rule *Lex specialis derogat legi generali* is applied meaning that the Geodetic and Cartographic Law (lex specialis) overrides GDPR (lex generalis)





✓ Act of February 21, 2019, introduced Articles 5a and 5b to the Geodetic and Cartographic Law that

Allows organisations constituting the Geodetic and Cartographic Service to process the personal data for the following tasks:

- management and administration of geodetic and cartographic data (Land Cadastre is part of geodetic and cartographic data)
- ✓ storing backup copies of geodetic and cartographic data
- ✓ creating and maintaining the Real Estates Integrated System (ZSIN)

✓ Turns off the right to restriction of processing (article 18 of GDPR) – the right cannot be applied to the tasks mentioned above

✓ However

✓ the personal data must be processed by individuals who have appropriate written permissions

✓ individuals who process the personal data must sign the confidentiality statement



#### According to GDPR, Controller among other things is obliged to:

Assess the appropriate level of security based on risks

Implement appropriate technical and organisational measures

Verify data subject who requests access

Provide information e.g. necessary to ensure fair and transparent processing of personal data

Maintain a record of processing activities

Notify the personal data breach to the supervisory authority

Nominate Data Protection Officer

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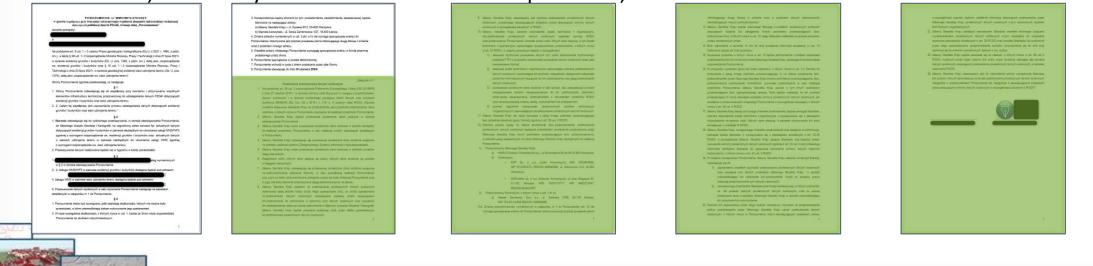
#### **GDPR in Polish Land Cadastre**



- ✓ If there is a need to process personal data by an external party (Processor) for tasks not covered in the (Geodetic and Cartographic) Law a separate contract (agreement) between a Controller and a Processor is required (Article 28 of GDPR)
- ✓ In the case of GUGiK, this is applied for:
  - ✓ publishing network services on behalf of counties
  - ✓ developing tools for Land Cadastre data validation

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✓ In such cases, the Surveyor General of Poland is the processor, and the Starost is the controller





## Subset of Land Cadastre is published as **Open Data** via network services



**Cadastral parcel** 

Building

- geometry
- cadastral parcel identifier

- geometry
- building identifier
- type of building

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## Subset of Land Cadastre is published as **Open Data** via network services

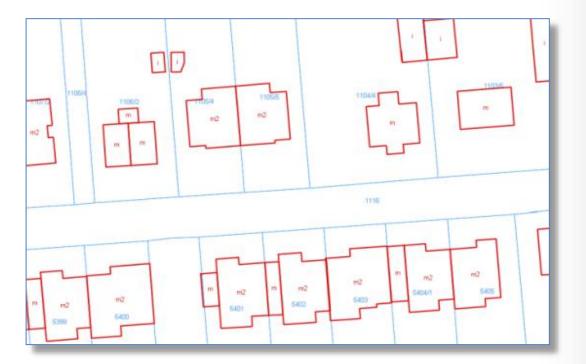
#### Web Map Service (WMS)

Cadastral Parcels	Building	Land use	Soil quality
<ul> <li>cadastral parcel identifier</li> <li>number</li> <li>identifier of cadastral zone</li> <li>Identifier of commune</li> <li>name of cadastral zone</li> <li>name of the commune</li> <li>area</li> <li>land use</li> <li>ownership category</li> </ul>	<ul> <li>building identifier</li> <li>type of building</li> <li>number of above ground floors</li> <li>number of underground floors</li> </ul>	• land use category	• soil quality category



- GUGiK integrates local WMS and WFS services published by local governments (counties)
- Integrating service allows users to access cadastral data from one endpoint instead of 380 local endpoints
- This way of integrating spatial data was endorsed as <u>INSPIRE Good Practice</u>

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#### Access to personal data in Land Cadastre

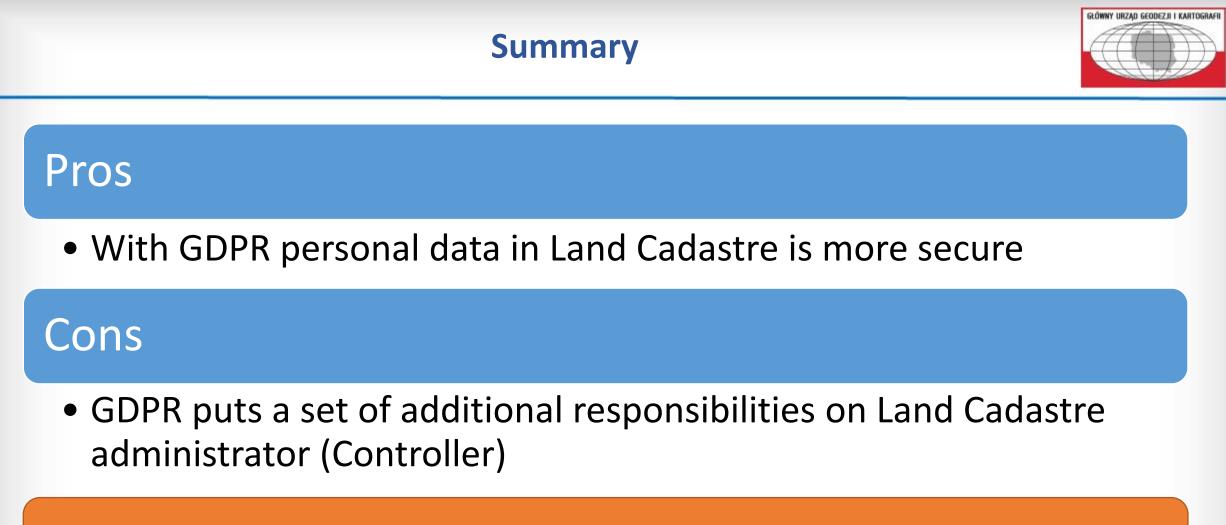
- Cadastral data is disseminated also in the form of reports and copies of databases.
- Access to personal data is regulated in Geodetic and Cartographic Law. The following entities are mandated to access personal data:
  - ✓ Owners or controllers of parcels, buildings and premises
  - Public administration carrying out tasks related to parcels, buildings and premises
  - Operators (providers) of utilities

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- ✓ Courts
- ✓ Other entities that have legal interest in accessing the personal data e.g. proxies (lawyers) mandated by owners







## Is it worth it?





## Thank you for your kind attention

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