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Item 2075

## REGULATION

**OF THE MINISTER OF THE ENVIRONMENT**1)

of 30 October 2017

## on collection and sharing of geological information

Pursuant to Article 98(5) of the Act of 9 June 2011 – Geological and Mining Law (Journal of Laws [Dz.U.] of 2016, item 1131, as amended2)) it is ordered as follows:

**Article 1.** The Regulation shall specify:

1. scope and form of geological information collected in the geological archives and the manner of its recording;
2. organisation of the geological archives;
3. scope of the geological information protection;
4. mode and terms and conditions for sharing the geological information.

**Article 2.** 1. The state geological service and geological administration authorities referred to in Article s156(1)(2) and 156(1)(3) of the Act of 9 June 2011 – Geological and Mining Law, hereinafter referred to as the ‘Act’, shall collect in the geological archives geological information from:

1. geological documentation,
2. other documents,
3. geological data sets ordered in a specific structure, hereinafter referred to as the ‘geological data collections’
* obtained when performing their assignments.
	1. The state geological service shall collect in the central geological archive the geological information:
1. from the current documentation of the course of geological development works, provided on the basis of Article 82(2)(1) of the Act by the entities performing the geological development works from:
	1. resulting documentation of boreholes,
	2. resulting documentations of prospecting excavations,
	3. resulting documentation of geophysical research,
	4. geological data collections;
2. from the current documentation of the course of the geological development works, provided by the entities performing the geological works, constituting samples referred to in Article 82(2)(2) of the Act, hereinafter referred to as the ‘geological samples of permanent storage’;

1) The Minister of the Environment shall manage the government administration department – the environment, on the basis of Article 1(2)(2) of the Regulation of the President of the Council of Ministers of 17 November 2015 on detailed scope of activity of the Minister of the Environment (Journal of Laws [Dz.U.] items 1904 and 2095).

2) Amendments to the consolidated text of the aforementioned Act were published in the Journal of Laws [Dz.U.] of 2016, item 1991 and of 2017, items 60, 202, 1089,

1215 and 1566.

1. regarding parameters of extraction of hydrocarbons from deposits;
2. included in the provided, according to the relevance:
	1. geological documentation,
	2. serial geological maps including the results of regional geological cartography development works performed on the basis of Article 162(1)(7) of the Act,
	3. other documents.

**Article 3.** The geological archives shall be managed by:

1. head of the organisational unit performing the assignments of the state geological service,
2. managers of geological administration authorities, referred to in Articles 156(1)(2) and 156(1)(3) of the Act,
* hereinafter referred to as the ‘archive manager’. The archive manager may authorise another person to perform their duties.

**Article 4.** 1. The geological information included in geological documentations, resulting documentation of boreholes, resulting documentations of prospecting excavations, resulting documentation of geophysical research, serial geological maps, other documents and regarding parameters of extraction of hydrocarbons from deposits, hereinafter referred to as the ‘geological documents’, shall be collected in the hard copies form or in electronic form.

* 1. The geological information included in the geological data collections shall be collected in the form of data collections included in hard copy documents, in digital copies of hard copy documents stored on IT data media and in the form of digital data collections in digital databases or stored on IT data media.
	2. The geological data collections shall be collected in geological databases, referred to in Article 162(1)(4) of the Act, and processed in ICT systems.

**Article 5.** 1. The geological documents and the geological data collection, hereinafter referred to as the ‘geological archival materials’, provided to the geological archives, shall be subject to record keeping.

1. The records of the geological archival materials shall be kept chronologically regarding the date of recording a given material in the resources, in hard copy or electronic form.
2. The recording of the geological archival materials of the geological administration authorities, referred to in Articles 156(1)(2) and 156(1)(3) of the Act, shall include the division into:
3. geological documentation;
4. other documents;
5. geological data collections.
6. The recording of the geological archival materials, kept in the central geological archive, shall include the division into:
7. documents containing information from the current documentation of geological development works;
8. geological data collections;
9. documents containing information regarding parameters of extraction of hydrocarbons from deposits;
10. geological documentation;
11. serial geological maps;
12. other documents.
13. The recording of geological archival materials shall include the data necessary for proper identification of these materials, including the following data:
14. date of receipt into the geological archive;
15. title of the geological archival material;
16. author of the geological archival material;
17. designation of a concession or decision, agreement or other source on the basis of which the geological archival material has been obtained;
18. designation of the entity that financed the creation of the provided geological archival material;
19. date by which the geological archival material is not subject to disclosure in accordance with Article 82(8) of the Act;
20. archive number of the geological archival material;
21. year of the preparation of the geological archival material;
22. form and number of information media.
23. In the case, referred to in Article 82(8) of the Act, when the geological archival material is not subject to disclosure, it shall be designated in the recording of the geological archives as the ‘Geological information of current documentation’, i.e. ‘GICD’ [Polish: *IGBD*]. Such a designation shall also be placed on the geological archival material.

**Article 6.** 1. Geological samples of permanent storage shall be collected in separate rooms or buildings intended for the storage of samples, hereinafter referred to as the ‘sample warehouses’, managed by the central geological archive.

1. Geological samples of permanent storage passed to the sample warehouse shall be recorded in the register.
2. The recording of the geological samples of permanent storage shall be kept in hard copy or electronic form.
3. The recording of the geological samples of permanent storage shall include division into fracture tests, drill cores and side cores.
4. The recording of the geological samples of permanent storage shall include:
5. date when the samples were passed to the geological archive;
6. name of the entity passing the samples – the addressee of the concession or the decision approving the geological works project;
7. designation of the concession or decisions on the basis of which geological works were performed;
8. date of commencing and completing the geological works;
9. name, symbol, number of the borehole or the prospecting excavation, from which the samples originate;
10. type of samples;
11. depth of sampling;
12. numbers of samples assigned by the entrepreneur;
13. date by which the samples are not subject to disclosure in accordance with Article 82(8) of the Act;
14. type of the box, where the samples are stored;
15. determination of the drill core part, side core or a fracture sample from the archive;
16. depth intervals, from which the sampling was performed and their size in cm or cm3;
17. indication of the warehouse where the samples are stored;
18. information on the liquidation of samples, if consent for their liquidation has been given.

**Article 7.** 1. The entities managing the geological archives shall protect geological archival materials and geological samples of permanent storage against damage, loss and disclosure to unauthorised persons.

1. Geological archival materials and geological samples of permanent storage shall be collected in rooms that are closed and properly protected against the harmful effects of external factors.
2. Geological samples of permanent storage shall be kept perpetually.
3. Liquidation of a geological sample of permanent storage may take place following a written consent of the minister responsible for environmental affairs upon the request of the archive manager.
4. The consent, referred to in section 4 may be given in an electronic form.
5. The consent for liquidation of a geological sample of permanent storage may be given due to:
6. providing the warehouse with new samples from the same area and depth;
7. losing the samples properties due to time, weathering or other harmful factors.
8. A liquidation report shall be prepared regarding the liquidation of a geological sample of permanent storage, and it shall include:
9. registration number of the liquidated sample and data from its certificate;
10. cause of sample liquidation;
11. information on the consent for liquidation, including the reference number of the letter referred to in section 4;
12. date and place of liquidation of the sample;
13. signature of the archive manager.
14. Geological archival materials shall be collected on IT data media that ensure the durability and safety of the geological information collected.
15. Geological archival materials referred to in Article 82(8) of the Act, shall be collected in separate rooms or parts thereof in a way that prevents access of unauthorised persons, in particular through permanent monitoring of the rooms, recording issuing keys to the rooms and recording entrances to the rooms.
16. The access to the rooms, referred to in section 9, shall require obtaining a personal authorisation issued by the archive manager.

**Article 8.** 1. Samples obtained as a result of researching or identifying mineral deposits other than those mentioned in Article 10(1) of the Act, documenting hydrogeological, geological and engineering conditions, determining groundwater resources, and obtained as a result of cartographic drilling, hereinafter referred to as the ‘geological samples of temporary storage’, shall be collected in the sample warehouses of the entities performing the geological works.

1. Geological samples of temporary storage shall be kept at least:
2. until the date when the decision on the approval of the geological documentation becomes final – if the samples were used to prepare the geological documentation subject to approval;
3. 30 days from the day of submitting the documentation, referred to in Article 88(2)(4) of the Act, to the competent geological administration authority;
4. 30 days from the day of submitting the map sheet to the central geological archive.
5. The entities performing the geological works shall protect geological samples of temporary storage against damage, loss and disclosure to unauthorised persons.

**Article 9.** 1. Geological archival materials shall be available for:

1. viewing;
2. full access;
3. network service.
4. Geological samples of permanent storage shall be made available for:
5. viewing;
6. full access.
7. Viewing shall consist in familiarising oneself with the geological samples of permanent storage and originals or copies of the geological archival materials, in a room adapted to free use, without the right to reproduce, copy, print, photocopy or copy in electronic form and other forms of recording documents and data collections, and in the case of samples – with the right to take photographs, without the right to sample these samples.
8. Full access to the geological archival material shall consist in releasing to the interested person the reproductions, copies, prints, photocopies, electronic copies or other form of recording of geological information, the archival materials, and in the case of geological samples of permanent storage – their sampling and releasing.
9. A network service shall consist in access to information stored in the geological archival materials using electronic communication means in the form of websites presenting the selected information.
10. Full access to the geological archival materials may also be implemented using ICT systems and electronic communication means that enable the Applicant to be identified through a trusted profile or a qualified electronic signature.
11. Viewing and full access shall be subject to record keeping.

**Article 10.** Viewing shall be recorded on the basis of an entry in the register that shall include:

1. number of the entry in a given calendar year;
2. date of entry;
3. data of the entity:
	1. first name and surname, if a natural person applies for viewing, or
	2. name of the entity, if a legal person or an organisational unit without legal personality applies for viewing;
4. title of the geological document, geological data collection or information included in the sample metrics, if the application refers to a geological sample of permanent storage;
5. archival record number;
6. signature of the person applying for viewing.

**Article 11.** 1. Full access shall be recorded on the basis of an application addressed to the archive manager, which shall specify:

1. data of the entity:
	1. first name and surname, type and number of the identity document and address for deliveries, if the application is submitted by a natural person, or
	2. name of the entity and address of the registered office, its registration number and name of the register where it was assigned, if the application is submitted by a legal person or an organisational unit without legal personality;
2. title of the geological document, geological data collection and year of their creation, if the application refers to the geological archival materials, or information included in the metrics, if the application refers to a geological sample of permanent storage;
3. archival record number;
4. method of making the geological archival materials available;
5. purpose of making the geological information available.
6. The application referred to in section 1 shall be accompanied by a document stating the right to represent the entity referred to in section 1(1)(b), and if the application is submitted in an electronic form, it shall be accompanied by a scan of such a document.
7. Where the right to geological information specified in the application for full access belongs to the State Treasury and the subject of access is the geological information:
8. used for the purpose specified in Article 100(2) of the Act,
9. in the form of samples,
10. in the form of geological data referred to in Article 100(3a) of the Act
* the application, referred to in section 1, shall be accompanied by an agreement for using geological information together with a proof of payment for using geological information.
1. Where the right to geological information specified in the application referred to in section 1, belongs to entities other than the State Treasury or where the application refers to geological information covered by the exclusive right to use geological information, the application shall be accompanied by a written consent of the entity which that right belongs to.

**Article 12.** 1. The archive manager shall:

1. analyse the application;
2. call for supplementing the application or submitting explanations if there are doubts regarding the possibility of full access to geological archival materials or geological samples of permanent storage;
3. give a consent or refuse full access to geological archival materials or geological samples of permanent storage.

2. The archive manager may determine the maximum number of archival units that may be made available to one person during a day, taking into account the requirement to maintain the security of the archive resources.

**Article 13.** 1. Viewing of and full access to geological archival materials or geological samples of permanent storage shall take place following the presentation by the interested party of a document confirming their identity, and where this regards geological archival materials containing classified information – also the original security certificate authorising access to classified information and a certificate stating the completion of training with regard to the protection of classified information.

1. Full access to geological archival materials or geological samples of permanent storage shall take place in the manner indicated in the application referred to in Article 11(1).
2. Upon a written consent of the archive manager, the applicant may independently make reproductions, copies, extracts or photocopies of geological archival materials in the geological archive, with the exception of archival materials containing information constituting legally protected secrets.

**Article 14.** 1. The archive manager may limit or refuse full access to or viewing of geological archival materials or geological samples of permanent storage due to:

1. their poor physical condition;
2. need to use geological archival materials or geological samples of permanent storage by an organisational unit where the geological archive operates.

2. In the cases referred to in section 1, the archive manager shall inform on the reasons for excluding or limiting the full access or viewing, indicating the possible method or approximate date of viewing or full access respectively.

**Article 15.** The Regulation shall come into force on the day following the day of publishing.3)

Minister of the Environment: *J. Szyszko*

3) This Regulation was preceded by the Regulation of the Minister of the Environment of 15 December 2011 on collection and sharing of geological information (Journal of Laws [Dz.U.], item 1657), which, pursuant to Article 26(1) of the Act of 11 July 2014 amending the Act – Geological and Mining Law and some other acts (Journal of Laws [Dz.U.] item 1133 and of 2016, items 566 and 1991), expired on 2 January 2017.