

citizens network

WATCHDOG[^]

poland

**15 YEARS
OF WATCHDOG POLAND**

2003-2018

Openness is on your side.

The Citizens Network Watchdog Poland

15 years in the service of public information

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Citizens Network Watchdog Poland is an independent, apolitical and non-profit organization in the form of a watchdog and think-do-tank organization for the public benefit. Over the last fifteen years we have been working for transparency in the public realm, good government and the accountability of power in Poland.

About us

We make sure people know what the government is doing. We teach citizens that they can ask the government why a school was closed, how much was spent on a festival or where, the construction of wind turbines is planned. We advise on thousands of cases and take hundreds to court. Thanks to our activities, more people know they have the right to question the government, and the government knows they have to respond.

Mission

We want citizens* to exercise their rights, i.e.:

- to inquire about matters important for them – concerning health, education, environmental protection, or land development – for which public institutions are responsible
- to know their rights under the Constitution and laws of Poland and the statutes of municipal governments and villages, especially those concerning communication of their expectations to the government, as well as the shaping of their surroundings, including spending public funds and creating laws
- to want and be able to exercise their rights by cooperating on an equal basis with the authorities, by organizing, by monitoring the authorities, by filing complaints, and by using their guaranteed freedoms

We want public authorities and other obligated entities to implement the law. We are particularly interested in the rights associated with:

- the provision of public information; the authorities' openness to be monitored by society
- the proper management of public funds
- using rights by citizens to evaluate implemented policies and make informed decisions regarding their lives, communities and public sphere.

* the word 'citizen' is applied conventionally – in our understanding it applies to all people, regardless of their formal possession of citizenship

Topics of our programs over the last 15 years

- Areas of transparent operation of public institutions (employment, bonuses, spending)
- Transparent law-making
- Functioning of the provisions of the law on access to public information (in various obligated institutions, with regard to various documents)
- Communication at the local level, including through media run by local government authorities
- Areas threatened by conflicts of interest at the local level
- Functioning of local government enterprises
- Municipal expenditure on sport
- The use of so-called 'Corkage Fund' (special fee paid by those who sell alcohol)
- Implementation of the law on the Sołeczki Fund (participatory budget in villages)

Watchdog in numbers – for 15 years



We have provided
legal advice in
10 000
cases



We have been
in court for
650
cases



We have
educated
10 000
people



We have issued
100
legal opinions or
statements

Our activities

OPENNESS IS ON YOUR SIDE 2003-2018

Civic education

We teach citizens about their rights and how to be a watchdog. This is implemented in many ways – on the Internet, through our websites informacjapubliczna.org and watchdogportal.pl, guidebooks, online courses, and social media. In addition to our online presence, we educate via the media, campaigns, and at events to which citizens invite us. We also run various training sessions and seminars. For those who are already operating locally and would like to be more effective, we run the Watchdog School. For organizations wishing to monitor public institutions in the area of interest to them, we conducted an ‘On Guard’ course. Its participants were taught how to monitor specific institutions (e.g. municipal companies). In many cases, our participants had no prior experience in ‘Watchdogging.’ During our training sessions, the right to information is discussed, as well as freedom of speech, human rights, laws regarding local governments, exercising one’s rights when influencing decision-makers, the Sołectki Fund, advocacy campaigns and planning monitoring activities.

Day-to-day civic oversight

On the every-day basis, we submit public information requests, inquiring about topics appearing in the public debate and arousing media interest. Inquiries are also made on behalf of

citizens (although we always try to persuade them to do so themselves). We inquire in order to check whether politicians are telling the truth and to remind them of their responsibility for decisions and public statements. The results of our day-to-day activities in this area can be found on our website siecobywatelska.pl.

Monitoring and improving selected areas of public life

A series of requests are submitted to specific institutions to assess whether they care about transparency and how they go about their work. Examples of such actions include monitoring the transparency of bonuses awarded by local governments, monitoring hospitals in terms of their obligation to publish inspection reports, monitoring access to disciplinary decisions regarding lawyers, legal advisors, notaries, etc. If our monitoring activities reveal any irregularities, we recommend the necessary changes to improve the situation. The results are found on our website siecobywatelska.pl and at informacjapubliczna.org.

Court cases

The previous two activities – day-to-day civic oversight and monitoring – often result in going to court. We also join in other cases that are brought to our attention, either advising clients directly or acting as an intervener. Although several times we lose cases,

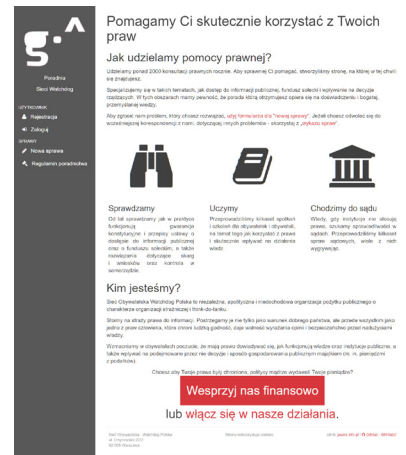
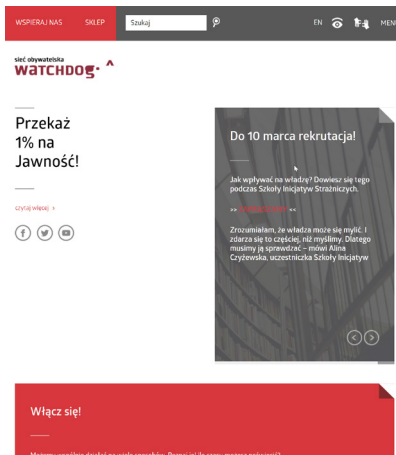
a deep sense of the struggle for public transparency is becoming more evident. An unfavourable ruling is a source of knowledge and may contribute to further actions, for example legislative work aimed at fixing a certain problem. The results are available on our website at siecobywatelska.pl and at informacjapubliczna.org.

Legal advice

Our legal team provides assistance to people who want to exercise their rights and are confronting difficulties in doing so. We provide about 2,000 legal consultations a year. To help citizens more efficiently, a website has been created to proceed *porady*. siecobywatelska.pl. We specialize in topics such as access to public information, the Sołectki Fund (rural version of participatory budget), and influencing government decisions. In these areas, people can be sure that the advice we provide is based on our extensive knowledge and rich experience.

Influencing the activities of an institution

As a result of our activities, where changes are needed, we look for solutions both in Poland and around the world, asking people for their input. This allows us to participate in the public debate, recommend specific solutions, take part in consultations, and prepare opinions and analyses.



15 questions for our fifteenth birthday

1. Why do we consider protecting the right to public information as key to what we do?

Our range of activities is much broader – we are interested in strengthening the influence of local residents on authorities' decisions, as well as in monitoring all levels of government and protecting human rights. We consider the right to information as a precondition to these activities. After all, how can you influence the government if you do not have full knowledge of its activities? How can you protect your rights without knowing how they are violated, to what extent, and for what reason? Finally, how can we hold the government accountable, when we don't know what they do?

2. Why did we change our name?

Our first name was the Association of Leaders of Local Civic Groups, in use until April 2013, almost ten years... although the first thoughts, treated as jokes, about needing to change it appeared years earlier. It was changed because it did not reflect on what we do. We have defined our mission as an endeavour to shape a responsible and open government, sensitive to social needs, ready for dialogue and to be monitored by society. That is what watchdog organizations do, whereas local civic groups can organize themselves for various purposes, not necessarily to monitor the government. We have always been more interested in the duties of those in power. Hence the change of name.

There were also pragmatic reasons – the name was difficult to remember, abbreviate, and explain. It also assumed the creation of local civic groups, whereas we saw ourselves as a network of citizens connected by a common idea.

3. What exactly is this 'civic network' about?

We are often asked how this 'network' is organised. The reply – we don't know for sure, and that is what's most fascinating. We set out to be available when and where citizens need us, but also to increase our impact and to provide information. That is why our network includes both our members and those who complete our training programs – as well as volunteers, employees, legal advice clients, those who support our petitions and activities both financially and substantively, and even those we don't know who are inspired by what we do. We cannot define our network or the way it is all connected. The signs that something is happening in society reach us visually – by using our graphics with a free license, especially 'promoting transparency', sometimes through statements about transparency and our organization found on the Internet, as well as in the form of financial support during the 1% campaign (during which Polish taxpayers are encouraged to nominate a charitable organisation to receive 1% of their total personal income tax for the previous year). We are bound by the belief that the state should act openly, and that public institutions are supposed to serve citizens.

4. How do we ensure our independence?

We just stick to the mission. All new topics are discussed by our members and our plans and actions are clearly communicated. We also open ourselves up to be evaluated which implies defending many of our decisions, contributing to the assessment of whether we are sticking to the mission. Financial independence

We consider the right to information as a precondition to other activities – participation, making governments accountable, protecting rights



We take care of our independence

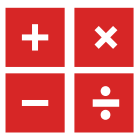


We stick to our mission



We are bound by the belief that the state should act openly, and that public institutions are supposed to serve citizens





Everyone can access information in regards to our finances, the management of our public funds, our responses to inquiries, and our expenses from 1% campaign and from donations



Everyone can check us out



We don't give up at courts

is important. In recent years, we have managed to maintain a balance among various sources, including payments from citizens themselves, significantly increasing. In 2017 and 2018, they accounted for about half of our budget.

5. How do we remain accountable?

At the beginning of the year, our annual plans are announced, and at the end of December, we evaluate our achievements. On a daily basis, our activities are posted on social media. Comments about our work are addressed, and we explain why we make various decisions.

Everyone can access information in regards to our finances, the management of our public funds, our responses to inquiries, and our expenses from 1% campaign and from donations. Our earnings are transparent, our opinions are public, and we can be followed in other forms of public debate. This information is available in our Public Information Bulletin.

6. Who controls us?

We operate on the basis of and within the law, and may potentially be monitored by any institution that verifies our compliance with regulations. However, we have not been subjected to many controls. Our financial statements – as required by law - are provided to the Tax Office,

the National Court Register, and the minister responsible for the activities of public benefit organizations. Our donors can also monitor us. Such monitoring takes the form of audits of our use of grants or evaluations of our projects. We are monitored internally by our Audit Committee, which annually audits both our finances and the compliance of the Board's activities with the applicable law. However, transparency is the simplest form of monitoring. Everyone can check us out – either by reading our Public Information Bulletin (where we publish public spending and where the results of official audits are published), or by asking us an oral or written question. That is how it works.

7. How many court cases do we win and how many do we lose?

Although the proportion of cases won would indicate how effective we are, we are reluctant to give a percentage, for several reasons. First of all, formally winning a case does not always mean really winning. For example, when something harmful to our cause appears in the justification for a ruling. Or vice versa. A lost case may be a de facto win when there is something in the justification that you can build on in further cases. Secondly, we consider taking on difficult matters that are supposed to change the way of thinking as the primary advantage. And that means we often lose at first.

However, we don't give up; sometimes that information can be obtained through a different approach to the topic in subsequent cases. Sometimes the sense of a case becomes apparent over time, and the case-law changes. Such cases last for years and are also associated with larger social shifts, for example, regarding the transparency of the legislative process. During various attempts to change the law, requests for documents are submitted containing the proposed changes, official correspondence on the subject, expert opinions, etc. Usually, these matters end up in court, and unfortunately, the judgments are often not favourable to us. The courts do not understand that transparent law-making is the basis of a mature democracy. However, we still go to court in such matters, believing that constant dripping wears away the stone, as the proverb goes.

You can count the cases we have won by counting the number of times the court has refunded our legal expenses (although this too is biased, as the courts are not required to award us such refunds). In one year between 2017 and 2018, we received refunds in half of the cases.

8. What do the critics say about us?

Opinions are too numerous to list, but we can give the most common ones. We have always listened to these allegations carefully, seeing them as an opportunity to improve our activities. A former allegation was that we require transparency from the government when we are not transparent ourselves. That is not correct, and over the years the level of our own transparency has been raised, as evidenced by our Public Information Bulletin. Today, we also provide information about our finances – sources of funding, salaries, contracts financed from public funds, expenditures from the 1% campaign and donations, as well as information on public subsidies. In addition, we publish information requests that affect us and respond to them as well as the opinions and positions we

prepare or sign on to, and the policies we apply.

Since the end of 2015, most allegations concern the actions we have taken since the Law and Justice (abbreviated PiS in Polish) party assumed power. These accusations are misguided. We commenced our activities during the Democratic Left Alliance/Labour Union government, though at the time we were not yet aware of how to exercise our right to civic monitoring. In 2007, during the PiS/Self-Defence/League of Polish Families government, we had the first large case that made us realize why further funding could not be accepted from ministries. At that time, we requested a ranked list of projects submitted to the Citizens' Initiative Fund. The list showed that subsidies had not been granted to those projects which received high scores. Often, the projects which received funding were those whose low score implied they would not be considered. Ironically, at that time we implemented a program co-financed by the very same Citizens' Initiative Fund. The fear and anxiety felt then made us realize how important our independence is. But our greatest development came during the Civic Platform/Polish People's Party governments. In 2010, we commenced strategic activities that involved taking cases to court; that is when we developed our educational programs, and our knowledge centres – informacjapubliczna.org; watchdogportal.pl and funduszesoleckie.pl. The PiS government coincided with our financial crisis, which lasted from mid-2016 until mid-2018. We had to give up many activities and spend a lot of time raising money. On the other hand, we are happy that we gained a lot of experience and knowledge, and that increased funds were obtained from citizens themselves, which gave us the freedom to pursue the development of our organization, rather than implementing specific projects funded by grant providers.

There are also accusations that we criticize the judges too much, or that

We provide legal counselling as regards freedom of information, solecki fund and rights related to impacting the decision making.



Courts very often do not understand that openness is a basis of democracy



We are also often asked for information



We are open to hear and make use of critical opinions on our work



Thanks to citizens' support we can develop our activities





We provide legal counselling on line at poradnia.siecoby-watelska.pl



We help in preparing court complaints



We help in preparing requests for information



We meet residents from different parts of Poland



We train active people from all over Poland

we criticize them too little. Sometimes, we are accused of using the wrong language. Litigation belongs to the most important of our activities, which is why we are quite emotional about them. Courts and their case-law are the keys to transparency. They have opened up many areas, though the overall balance is not the best. Many important cases – especially those regarding the legislative process – have shown that the courts do not understand the essence of transparency. Their attitude towards citizens is also harmful – easily labelling them as trouble-makers, condemning them to lose against local government authorities, and the discretion of case-law. We try to change the situation by means of competitions to write glosses to court decisions, and writing articles for the legal community professional media describing our way of thinking. Sometimes we directly express what we consider to be a problem. This does not change the fact that, in seeking justice, we cannot accept that subordinating judges to the power of political parties can be a solution to the problem.

9. What bothers us the most?

In addition to the previously described problems with judicial decisions, which in our opinion too often stand in the way of citizens' monitoring their own government and defending their human rights, other problems can be seen. The most serious of these is the reluctance of public institutions to be questioned and the lack of concerned allies in judicial and academic circles. Too often, we hear that citizens are abusing their right to information. This does not prevent the same circles complaining about the lack of civic activity or the lack of awareness of civil rights.

Reaching people with knowledge about their rights is a challenge, but it is done regularly with substantial progress.

We are also noticing that zealous followers of political parties are less interested in facts. For now, it can be observed that there are many people who do not belong to this group and

who still don't know how to expand their knowledge based on reliable information. That means we still have a lot of work to do before we hit the wall.

Effectively influencing decision-makers is also a challenge. This is an ongoing problem. Sensible knowledge is often ignored and how much better Poland would be if the government listened to the people.

10. How can this organisation be useful to an ordinary person? (question from a wykop.pl user)

To the 'ordinary person' we respond: Don't you want to know how your taxes are spent? Or why they want to close a school or a clinic in your city? Will there be a rubbish dump next to your house? What bonuses did your local government officials give themselves? How does your local hospital rate? Can you have more bike paths? How can your children be safer on their way to school? And many other things for which local and national authorities and other important institutions are responsible.

11. How can you use our help?

The easiest way to use our knowledge is to read our websites (siecobywatelska.pl; informacjapubliczna.org; watchdog-portal.pl; funduszesoleckie.pl) and social media profiles (Facebook; Twitter: @SiecObywatelskaWatchdog; Watchdog_Polska; Instagram: [watchdog_polska](https://www.instagram.com/watchdog_polska/); YouTube), as well the guidebooks we've prepared.

Anyone who has problems obtaining information and influencing the authorities can get help through our legal advice system at poradnia.siecobywatelska.pl. Every day, people call and speak with our colleagues.

We also travel across Poland for meetings with citizens. All you have to do is invite us and organize a place and a group. Of course, this requires working out the schedule, but that is standard in our line of work. You can also take advantage of the range of educational programs and training sessions we conduct. Although not many courses are available at the present time, there are plans to develop this area.



NIE BÓJ SIĘ

PYTANIA

informacjapubliczna.org

12. How can you get involved in our activities?

An interested person can take advantage of our educational programs, apply for an internship, or volunteer for us, e.g. by providing legal advice, translating, programming, or analysing data. You can also independently promote our mission by writing articles for the media, sharing our materials on social media, and telling people about what we do. You can also support us financially through regular or one-time donations. Sometimes we also receive material donations!

13. How can you become a member?

If you would like to join, please write to the Board of Directors. According to our statute, you have to be recommended by two members of the organisation or documented activity. The board will then either propose a meeting to get to know each other or extend an invitation to attend one of our other meetings.

14. Do we only work in Poland, or do we deal with EU institutions as well?

Most of our work is conducted in Poland – that means both the institutions we watch over and where we physically operate. However, we have occasionally asked for information from EU institutions, and in the future, would like to acquire more experience in this area. Our international contacts are considerable. Over the past few years, we have been training local organizations in Moldova, and we have previously helped the OPORA Civic Network in Ukraine to train local activists. We have also been implementing a specific quality of governance monitoring as part of the international initiatives on how to protect the right to information. We have acquired knowledge from organizations all over Europe and are an active member of a network of EU and Russian organisations which discuss democratic issues.

15. What would we like to never lose?

There are certain values that are a kind of signpost for us. The first is 'being on the citizen's side.' That means we do not leave people in need. It teaches us to be patient and to investigate the causes of the problems that people bring us. Of course, that refers to areas we have experience with.

Another valuable skill for us is to keep our distance from politicians. We are open to offering our knowledge and experience, but are never exclusive. It is rewarding when politicians appreciate our work, but we do not want them to think that praise and awards will blunt our 'teeth'. We keep our distance in order to be critical and to do our jobs.

Our internal culture is also outstandingly important to us. It is based on constant discussions about sticking to and expanding our mission, and how to operate most effectively. All members are included, and they often represent extremely different life experiences. This guarantees a great deal of discipline in our everyday activities.

What would we be missing without Watchdog Poland?

Without watchdogs, there would be no broad awareness among citizens that the government is accountable to them when making decisions – for example, decisions about spending money, awarding bonuses, law making.

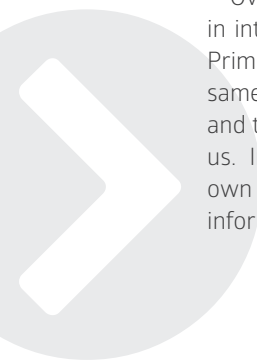
In recent years, we see a lot of people, politicians, and journalists who are investigating how the government works. These people tag us on social media or we read about their achievements in newspapers. Sometimes, by chance, we learn about some watchdog's work.

Over the years, there has been a huge increase in interest in the subject. What is our role in this? Primarily, that we are always talking about the same issues, that we are approached as experts, and that people use our materials and consult with us. In addition, many local initiatives with their own programs and ideas to promote the right to information were created by our members.

Without our work, people would not know that the right to information – the right to know what the state offers and how that can be monitored – is a human right.

This knowledge is not yet widespread and primarily concerns people interested in politics. In the meantime, exercising the right to information in everyday life would change our society. People would feel much more in control of their own lives.

In our activities, we show examples of everyday issues and conduct 'mini-monitoring' of how children in preschools are fed, how pain is treated in hospitals, and whether schools are safe. We see that these topics are of interest. From this we conclude that our message does reach people. However, we are still waiting for citizens to act on their own and to share their own experiences.





Without watchdogs, there would be no concrete changes among citizens, who are more often obtaining the information they need, not only by making inquiries, but also by disseminating data and going to court.

The ability to exercise rights, especially in the face of resistance, would allow us to feel what freedom is. We do not have to deny ourselves our rights, but many of us do so. Why? Because it's a waste of time, because there are negative stereotypes about people who enforce the law, because there is a lack of knowledge and motivation, and because it seems difficult, scary. We have several issues to fight with. The social organization has its hands full.

However, motivation is the most important thing in all of this. When citizens discover that they need information and that they are being cheated, they are willing to find time, to expand their knowledge, and overcome their fear. Our role is then to help motivate them and facilitate their actions. These people never again look idly on inappropriate activities. A change takes place within them, and they inspire others. We have met hundreds of such people.

Finally, without watchdogs, there would be no concrete changes in government institutions that already know that they need to share data and information in an active way, publishing it online.

During our 15 years of activity, there has been a significant change in what transparency means to local governments in Poland. We are not the only organization whose activity has effected this change, but we have had a significant share in it. An increasing number of municipalities are responding to requests.

How do we know about the change? According to our research, the percentage of municipalities that respond to inquiries is increasing. In 2012, without additional correspondence encouraging a response, 48% of municipalities responded to requests, and in 2014, 73%. In 2017, the result was similar.

In turn, the municipalities to which we devoted more attention – the ones we took to court when they failed to respond – are achieving better results in subsequent surveys. Out of 113 requests addressed to the 38 municipalities we filed complaints against in 2012–2014, only 15 (13%) remained unanswered in subsequent years. For comparison, in the years 2017–2018, we received answers from institutions that were not regularly asked for information, such as hospitals, schools, kindergartens without additional correspondence only 25-30% of the time.

Finally, we are seeing positive changes in government institutions' approach to collecting and sharing information. Some of them publish information in Public Information Bulletins and, in response to requests, direct us to information already available on the Internet.

Our transparency work has also resulted in specific changes in social organizations, professional associations, and political parties, which have realized their responsibilities to taxpayers and citizens.

After many court cases, we have managed to convince the institutions that they are obliged to disclose information. Although they still resist in individual cases, there are court judgments we can rely on.



Our litigation – sculpting the rule of law



We have to write hundreds of complaints connected with simple requests. This waste of energy is connected with the fact that public administration does not meet legal requirements as regard transparency.

Within the past 15 years, we have participated in about 650 court cases. Some we initiated ourselves, some we supported, and some we joined. We have selected a number of examples, focusing on cases that have changed Poland. And how have we impacted Poland? We have changed it into a country where citizens have a chance to control their own lives and hold the authorities accountable for the way they govern and how they spend money from taxes.

Educating institutions to show commitment to transparency

The change regarding awareness of the right-to-information took effect most quickly at the local government and ministerial levels. However, there are many more institutions required to provide information. For many years we have worked to make them aware of their disclosure obligations. We chose specific institutions – lobbyists representing the interests of local governments; political parties, social organizations, and monopolistic organizations. We were successful in winning our court cases against all of them. The cases concerned, for example, disclosing the opinion submitted by the Association of Polish Cities in 2011 during the legislative process to amend the act on the Sołcecki fund; disclosure of the budget of the Polish Football Association – a monopolistic institution partly financed with public funds (though unfortunately we continue to deal with resistance on this issue); financial disclosures of political parties in the Sejm during the 2011-2015 term. We also worked

to encourage publicly-financed organizations to be transparent. Our members have engaged in litigation with organizations. Today, all these institutions know that they are obliged to disclose information. Companies belonging to the State Treasury, which generally hide behind the concept of trade secrets, continue to be a challenge. But we have had successes there too, such as in the case of TOK FM radio journalist Anna Gmiterek-Zabłocka gaining access to a contract from the Janów Podlaski stud farm. We managed to win the case in the first instance. Now we are anticipating further cases. We are waiting for a whole series of cases related to sponsorship agreements. The question is what initiatives companies support financially. We want this information to be disclosed. The lack of transparency means that the ruling party (which appoints its people to various boards and councils) is able to escape citizen control. Public companies are often used to develop cronyism.

Expanding the scope of transparency

We have also worked to ‘open’ new areas of concern. While in the beginning we sometimes had to complain about obstructed access to such obviously public information such as the minutes of municipal council meetings, we later stated to push into more sensitive areas.

For example, bonuses paid to employees of public institutions were an important topic. We have had many court cases in which the institutions claimed that this was not public information. This was the case

with the Tax Chamber in Krakow (in January 2013, we inquired about the bonuses for heads and directors) and the Marshal of the Lower Silesian Voivodship (in a 2015 case). These institutions hid behind the argument that they have to protect employees' privacy. Sometimes, too, they explain that compiling information on bonuses would be an excessive amount of work. In the end, we succeeded in developing the case law, according to which the names and amounts of bonuses paid to persons performing public functions are considered public information. Why it matters? Transparency helps in protecting from cronyism and misuse of public money.

Another important field was the disciplinary decisions of various groups on which the security, the rule of law and health of the state depend. Our own cases as well as our members' cases regarding disciplinary decisions against legal advisors, bailiffs, notaries, lawyers, judges, pharmacists, and teachers have had positive results. We are still in litigation with the Voivodship Police Command in Kielce about disciplinary decisions against police officers from 2013 to 2015 (the rulings were made available but without data on the officers in question). The results of the case concerning disciplinary decisions issued in 2014 at the Customs Office in Gdańsk are similar (we also received anonymized data). However, the importance of the issue reaches both public opinion and that of decision makers. This was largely due to our network of allies and active people. For example, disciplinary decisions against prosecutors were important for editor Ewa Ivanova (a journalist at the *Gazeta Prawna* daily when she started her case). In 2014, she applied for a disciplinary ruling regarding a prosecutor in Białystok. It was a high-profile affair in which the prosecutor had dismissed a case regarding the promotion of fascism, recognizing that the swastika is a symbol of happiness in some cultures. As a result of the controversial justification for the dismissal, the prosecutor faced

disciplinary proceedings, and many people were interested in the results of those proceedings. In the first instance, the courts found that, in accordance with the provisions of the then binding act on the prosecutor's office, disciplinary proceedings against prosecutors and sentences adjudicated thereby remain secret and may only be disclosed in specific cases. At the cassation complaint stage, the law was changed, and the disciplinary judgments became legally public. Transparency of disciplinary proceedings increases accountability of those who have a public mission and, as a result, safety of citizens.

Other cases concerned the disclosure of contracts that hospitals conclude with doctors. For example, we won a case about access to doctors' contracts with the district hospital in Nowogard and St. Wojciech's Hospital in Gdańsk. Civil oversight in this area can have a significant impact on the life and health not only of patients, but also of doctors. A year after our judgment in the Nowogard case, elsewhere in Poland, a 28-year-old doctor died on duty, perhaps from overwork. In turn, in Gdańsk we wanted to investigate whether the department head was employed full-time or part-time, and we were told that it was very much part-time. The disclosure of contracts may at least partly contribute to a well-informed debate about the quality of doctors' working conditions and about our safety as patients. Especially that the topic is the subject of protests (at the end of 2017, medical residents – who then committed to work overtime – staged a hunger strike, precipitating a crisis in the health service).

A number of cases also concerned information relevant to specific topics, groups, or people. An example may be a request for 2017 information from the Mayor of the City and Commune of Lwówek Śląski. At the request of one of our clients - the Lwówek Regional Society - we asked for documents concerning the destruction of rock formations in the 'Lwówek Switzerland' complex. People who are committed



Several public institutions does not identify bonuses that they pay to their employees as public information.



Several litigations concern disclosure of disciplinary proceedings of public-trust positions



One of the biggest challenges is connected with compulsory requirement to publish reports from controls on line. Not many institutions meet this requirement.



It is particularly difficult to disclose information concerning State Treasury companies or monopolist Polish Football Association

to nature conservation require such information to carry out their work.

Rectifying the negligence of public institutions

The neglect of public institutions is a broad area for change. Here we have had variable success.

One of the biggest challenges is the publication of audit documents in Public Information Bulletins (PIBs). According to the Act on access to public information, the disclosure of such documents should be mandatory. However, the Act does not specify which audits this applies to – those conducted within a given entity, or also those conducted by said entity. In both cases, they demonstrate the quality of the work performed by the given institution. One of the first cases in this area was the case of the Lesser Poland Voivodship Building Supervision Inspector in Kraków, which did not want to provide audit documentation on request. Our request concerned many years of neglecting the Inspector's disclosure obligations – from 2004 to 2011. Instead of complying to its obligations, the Inspector fought the case for two years, contesting that the information did not belong to the public. Our argument was that the information should have been published in PIBs much earlier. With our court proceedings, we wanted to encourage the Inspector to introduce a systemic solution in the future. We have similar, ongoing cases with branches of the National Health Fund (NFZ), which are reluctant to provide information about hospital inspections. Some, such as the head of the NFZ branch in Białystok, still have not provided such information, despite legal rulings against them. And yet this information can have a direct and expedient impact on human life.

In turn, after working on the issue for fifteen years, court decisions have become transparent due to the change in general standards. This has not altered the fact that we have had to convince institutions to change their behavior. In monitoring

cases concerning access to public information conducted in common courts until the end of 2011 (since 2012 these cases have been tried in administrative courts), the President of the District Court in Ostrołęka did not want to provide us with information, claiming that would require too much work. It is worth adding that the number of cases was negligible, and the benefits of open case law offer the ability to understand judges' reasoning; to formulate opinions on specific judgments; and mobilize judges to behave consistently in judgments and to prepare their judgments well. It is also an opportunity to build trust in the justice system and provides source material in creating new law.

Monitoring the correct implementation of laws

Using the law has helped us to strengthen the implementation of the act on the Sołectki fund (rural version of participatory budget). As soon as it was adopted in 2009, we considered the law itself as crucial to building a sense of agency and civic awareness in rural communities. It gave rural residents the opportunity to make binding decisions about some of the funds.

We filed requests for information to municipalities – asking for protocols and attendance lists at village meetings during which all eligible residents of the village could make a joint decision on granting funding. Our questions made decision-makers aware that village meetings should be treated as open, democratic decision-making process subject to civil oversight.

Through requests addressed to municipalities, we reminded them that they must have a discussion on whether or not to introduce a Sołectki fund every year. This discussion was important because it represented a chance to ensure that the fund was an opportunity for residents to talk about these issues with their councilors.

Finally, through complaints to the Prime Minister's office, we resolved an

unexpected problem when - in 2012 - we learned that the Central Statistical Office 'forgot' about providing communes with data necessary for the implementation of the Sołecki fund.

We feel that the interest in the Sołecki fund and its proper implementation is largely the result of our work. We would measure it not so much in terms of increased interest, as in terms of reduced improper behavior. In 2014, we identified only 95 communes (about 4%) that did not adopt the relevant resolution, whereas previously it was a common problem affecting a large number of eligible communes. We have also seen changes in how rural residents speak about the fund. While they initially asked what they could spend the funds on, over time they clearly declared that it was their money. If they turned to us for help, it was because they were aware of that and wanted to know how to deal with situations in which someone tried to decide for them.

Our experience with the Sołecki fund has shown us how important it is that every law intended to strengthen citizenship has its watchdog and how important the right to public information is in supporting the implementation of such laws.

Accounting for the truthfulness of public figures

The right to public information also serves as a check on the truthfulness of politicians. The history of the Anti-Corruption Coalition of Non-Governmental Organizations, of which we were a member, shows that citizens are a force to be reckoned with. In 2008, we jointly submitted a request for information regarding a special government program called the Anticorruption Shield, which Prime Minister Donald Tusk mentioned during the first 500 days of his government. It turned out that the information was secret, because it was mentioned during the meeting of the Special Services Board. Therefore, the Coalition asked for information

on the order issued by the Prime Minister, believing that on this basis it would be possible to determine the nature of the Anti-Corruption Shield. The information was only obtained in 2011, after three years of work. It turned out that the Anti-Corruption Shield program was based only on the conversation of the heads of the various services.

Another example is to investigate whether the expert opinions mentioned by former Minister of Foreign Affairs Witold Waszczykowski during a TV interview actually exist. At the end of the conversation, the topic of Donald Tusk's election as President of the European Council in 2017 was raised. Commenting on the loss of the Polish government's candidate, Jacek Saryusz-Wolski, the Minister said that "There has been a falsification. We have expert opinions today that Tusk was elected in a way that can be challenged at the level of European law." We asked for access to such expertise. The case is ongoing, but the Ministry's convoluted explanations and unwillingness to disclose do not inspire confidence in the actual existence of these mysterious expert opinions.

Public data

We have also devoted much attention to the issue of public data which should be available, but is not. This may be due to the financial interests of the institutions that decide on such data, or the institutions' reluctance to be accounted for.

In 2011, we became interested in access to data from the Institute of Meteorology and Water Management (public institution). As we learned from scientists who wanted to base their work on these data, depending on the university, the Institute made this data available for free or for very large fees. Moreover, the Institute obliged scientists to treat the data as confidential. As we soon established, this resulted from deliberately insufficient funds allocated to the Institute by the national budget, with the sale of data intended to



We are convinced that interest in solecki fund and its implementation is a result of our work



Right to information is also useful for fact-checking



We make accountable several institutions such as self-government bodies, ministries, schools, hospitals, Supreme Audit Office, Public TV – TVP, agencies responsible for environment (NFOŚ), roads (GDDKiA) or assistance to people with disabilities (PFRON).



One of the most important areas of our work is transparency of law-making

complement this shortfall. We were charged three million Polish zlotys for our request for data. Efforts to change the situation took many years, finally leading to a positive conclusion in 2016, when the data was made public by entering the Institute by name into the law on the use of public information.

In turn, we supported another case concerning access to police data on safety. The creator of the website dobraulica.pl planned to add a feature that would enable residents of Warsaw to find out what is going on in their area – the number of crimes on a specific street, how many cars were stolen in the previous month, how many attacks took place in the vicinity of schools, where aggressive dogs were registered, etc. Warsaw police impeded access to the data necessary to operate the portal. Our client only managed to get the data in court. Thanks to that they were able to run a business.

Transparent legislation

One of the most important areas of our activities is the transparency of legislation. Civil oversight and understanding of the interests behind specific proposals are important for the implementation of just and necessary solutions. Unfortunately, in many cases it is difficult to obtain reliable documents which would allow us to ascertain whether the creation of law involved sufficient consideration, who was invited to prepare ideas, and who suggested the given solutions and why. This was the case in 2011, when we requested information about the actual authors of the amendment restricting citizens' access to information. The amendment was an imprecise provision according to which citizens would not have access to information related to the management of public property, among other information. The wording of the provision would allow documents to be excluded for an indefinite period of time, by unspecified persons. Most scandalous, was the deception used by the ruling coalition in the creation of the law, specifically with regard to this provision. After rejecting it due to civic pressure

while in the process of amending the Act on Access to Public Information, in the last moment before the election, the provision was re-introduced by the Senate in a slightly changed form. This constituted a violation of the legislative process, which was subsequently confirmed by the Constitutional Tribunal. In addition, the entire amendment was rushed through the legislature. The reason given was the implementation of the European directive on the re-use of public sector information. Poland was already significantly delayed in implementing this directive. However, this particular provision was not part of the implementation of the provisions of the Directive, with which all other proposals were associated. We believed that actual authors would be disclosed if the public had access to the content of the emails of the prime minister's advisors who worked on the amendment. However, the court case ended with a public defeat – the Supreme Administrative Court ruled that emails are not public information. This court ruling froze access to information in subsequent cases. One of the most important is the case regarding access to recordings from cameras belonging to the Marshal's Guard. The courts have ruled that this is not public information. The recordings are important for determining the quorum during the passing of the budget act for 2017 and the law depriving people who worked for the security services of the Polish People's Republic, of a large portion of their state pensions. Both laws were passed on December 16, 2016 amid great chaos, and there are doubts as to whether the attendance list matches the actual presence of MPs during the vote.

Another area of legislation concerns access to legal opinions. Initially, the courts gave decision-makers the opportunity to refuse access to opinions that were submitted in the legislative process. The ability to keep such opinions confidential was dependent on when they were created. The unfavourable case law arose during questions about constitutional opinions that President Komorowski was to follow when signing the law

on the withdrawal of certain pension contributions from private hands to the public insurer. Over time, case law began to recognize that such opinions are public information.

On the other hand, we were able to ascertain the facts on another key issue – the draft Act on the Constitutional Tribunal of 2013. We won our court case against the Constitutional Tribunal. We asked about the bill that was drafted in this institution. It was submitted in the legislative as a presidential draft. However, we were concerned about the possibility that rules were circumvented and that the law was created by an institution that has no legislative power. Beyond that, we feared that this would lead to institutions judging the constitutionality of regulations of its own authorship. The case concerned the documents received by President Bronisław Komorowski from the Constitutional Tribunal. The President of the Court claimed that these were informal notes and did not want to make them available. Meanwhile, President Komorowski provided a document which he received from the Tribunal. It was a prepared draft of the bill. Although the result of the litigation did not affect the law itself, it became an important argument demonstrating how important it is to follow the rules in the legislative process.

The subject of legislative transparency is a challenge for at least five consecutive years. Our efforts include international recommendations regarding access to information. They concern access to ministers' schedules, notes from meetings during which laws are discussed, information about who visits ministries and what meetings take place therein. In the first fifteen years of our work, we found this to be the most difficult topic we have undertaken.

Public finances

Civil oversight of public spending is one of the great successes of our fifteen years of work. Even here, however, there are no shortage of issues.

Our successes include access to contracts concluded by public institutions or information about them containing contractor details, amounts, and tasks to be performed. Favorable judgments in this matter have been handed down since 2012, and citizens – including our members – urge public institutions to actively publish contract records in their Public Information Bulletins. And although this still does not apply to all institutions, many of them are making changes. We can point to the initially resistant National School of Judiciary and Public Prosecution, the Office of Competition and Consumer Protection, the Fryderyk Chopin National Institute, and various voivodship offices. In this respect, the culmination of a significant change was the publication in late 2017 of the register of contracts by the Supreme Court in response to a petition submitted by the Watchdog Poland and over a hundred young people. The Court had previously long refused to make contracts available to us, to other active citizens, and to the ePaństwo Foundation.

It is also possible to obtain significant information about how public money is spent on grants. Here too we struggle with difficult cases, for example the case of the foundation of influential priest Tadeusz Rydzyk. The project entitled 'A model of transparency in Poland,' financed from public money and aiming to influence the shape of the law, is also a significant negative example. The project leader was also a public institution – Cardinal Stefan Wyszyński University, with participants including the Supreme Administrative Court and the Prosecutor General's Office. Despite this, the project contract – with the cost of a few million Polish zlotys – was not made available by the co-financing institution (the National Centre for Research and Development) or by the project leader. We did not win our case against the institution which provided funding, but we hope to win against the Rector of Cardinal Wyszyński University.



We supported entrepreneurs who were refused information for re-use



Thanks to our work, access to public contracts is easier

What's being said about Watchdog Poland?

In the media

An association that bothers the powers that be.
Weekly NIE, 2011 (left-wing, satiric)

Although Watchdog Poland is an apolitical organization, the matter has become political. Like everything in Poland. Everyone knows best, though they have no idea at all. Unless they live in Nowheresville, which is hard to find on the map. And they know a dog, that sniffs around and keeps guard on their behalf. And fate put us together. I spent the last two weekends in a training program with this group. I spoke to them about journalism. I taught them how to write so that people can read and understand. And they told me their stories. How did they get into this watchdogging? I would gladly share everyone of them – the history and public spirit of the twenty narrative idealists I have come to know.

Magazyn, February 27, 2016 (weekly supplement to Dziennik Gazeta Prawna, newspaper focused on law and economy, middle-of-the-road)

Watchdog. What's that?

*A.: A guard dog.
S.: The kind that barks. If necessary, it bites.*

And as a person?

S.: A man comes to us and says (or writes, because we get a lot of emails), that he moved out of a big city to a small town, and he would like to know how the local government works, so he went to visit the budget office and was asked to leave. "You have no right to be here," said the director.

Duży Format, September 25, 2014 (weekly supplement to Gazeta Wyborcza, liberal)

The "Watchdogs" have about 500 cases in court. Not for any political party, but for citizens to know what the government is up to. All institutions at all levels.

Weekly Polityka, April 12, 2016 (liberal)

An organization that tells institutions and politicians: "show us how you spend our money."

Onet, December 20, 2018 (middle-of-the-road)

In recommendations on Facebook

Transparency means a lot to democracy. Especially for a country that has not developed an appropriate culture of sharing information with citizens. With legal tools and other legal means, Watchdog is trying to change this state of affairs. I am keeping my fingers crossed for them.

(P.M. February 22, 2017)

Without their support and commitment, the residents of our municipality would know much less about what the local government does and how it manages our money, because they don't quite have the feeling that it is their duty to share information with us.

(P.S. May 2, 2017)

Thanks to the Network, parties must disclose expenses. Bravo!

(P.W. October 2, 2014)

Clients of legal counselling

Thank you! As usual, you are extremely effective and substantive. We've been fighting the local government for a long time, but it was only Ms Kłucińska's expert opinion that overcame their irrational resistance.

(Village administrator, September 2017)

The case concerned the illegal storage of waste, the village administrator eventually won the case before the court and the office had to provide information about what the municipality did to remove the waste for the previous 8 years (there was suspicion of illegal links between the mayor and the waste company)

[...] the matter is important, because another apartment block is suddenly being put up right in front of our windows. The inhabitants of the first building weren't even informed about it, and yet the second building will be so close that they can look into their neighbours' homes. There were numerous complaints and checks, and I want to know where it stood. This is not a private matter of the investor, but a question about the actions of the public authority in this respect. [...] I've just received the answer thanks to your substantive help. Thank you very much for your assistance!

(Resident, November 2017)

Ladies and gentlemen, thank you very much for your support, which I treat as your willingness to help. I also thank your employees, who have actively contributed to the positive resolution of the case. Thanks to their work, I was able to quickly and efficiently obtain access to public information.

(Active resident, December 2017)

The case concerned the Prosecutor's complaint regarding the introduction of the "Large Family Card" program in the municipality



Thank you very much, thanks to you our local weekly paper was able to reveal nepotism and excessive public funding for a company owned by the school director's son.

(Journalist, November 2017)

Volunteers

I learned about the distant-internship by accident, by browsing advertisements on the Internet. Now, with a few months' perspective, I can say that it was a decision that I don't regret. An individual approach to each of the volunteers, the ability to plan and run their own public transparency monitoring project, and contact with many legal problems accompanying the public bodies themselves convinced me of the power of law on access to public information, and I know that it doesn't bite :) I acquired skills which are fundamental for every lawyer, including using the database of judicial decisions, training in writing appeals for administrative proceedings and complaints to the provincial administrative

court or issues related to the digitization of public administration (including the Trusted Profile, ePUAP, and qualified signatures).

Damian Aptowicz

I came to the Watchdog Poland Civic Network in February 2017, having only a vague idea of the right to public information. Working as a volunteer, I got to know the mechanisms for obtaining public information and I learned to use this knowledge in everyday life. From the very beginning of my work in the Network, it was important for me to take a comparative look at the openness of public life, i.e. to study how this right is guaranteed in other countries. Today, traveling with the Network for our annual festival tour, I am happy to tell others

about our constitutional law resulting from art. 61. For me, the network is also about great people - a group of extremely inspiring activists who showed me how fundamental transparency in public life is for civil society, and that one should never be afraid to ask questions.

Agnieszka Wójcik

I have volunteered in many places, but at Watchdog I felt that my work was appreciated and that I was an important member of the team. The organization is open to support in many ways, so everyone will find something for themselves. You can combine a noble goal along with realizing your passions and gaining valuable experience in life. In my case, it's writing texts on the Watchdog Portal.

Dominik Ostrzechowski

How much did it all cost, and who paid for it?

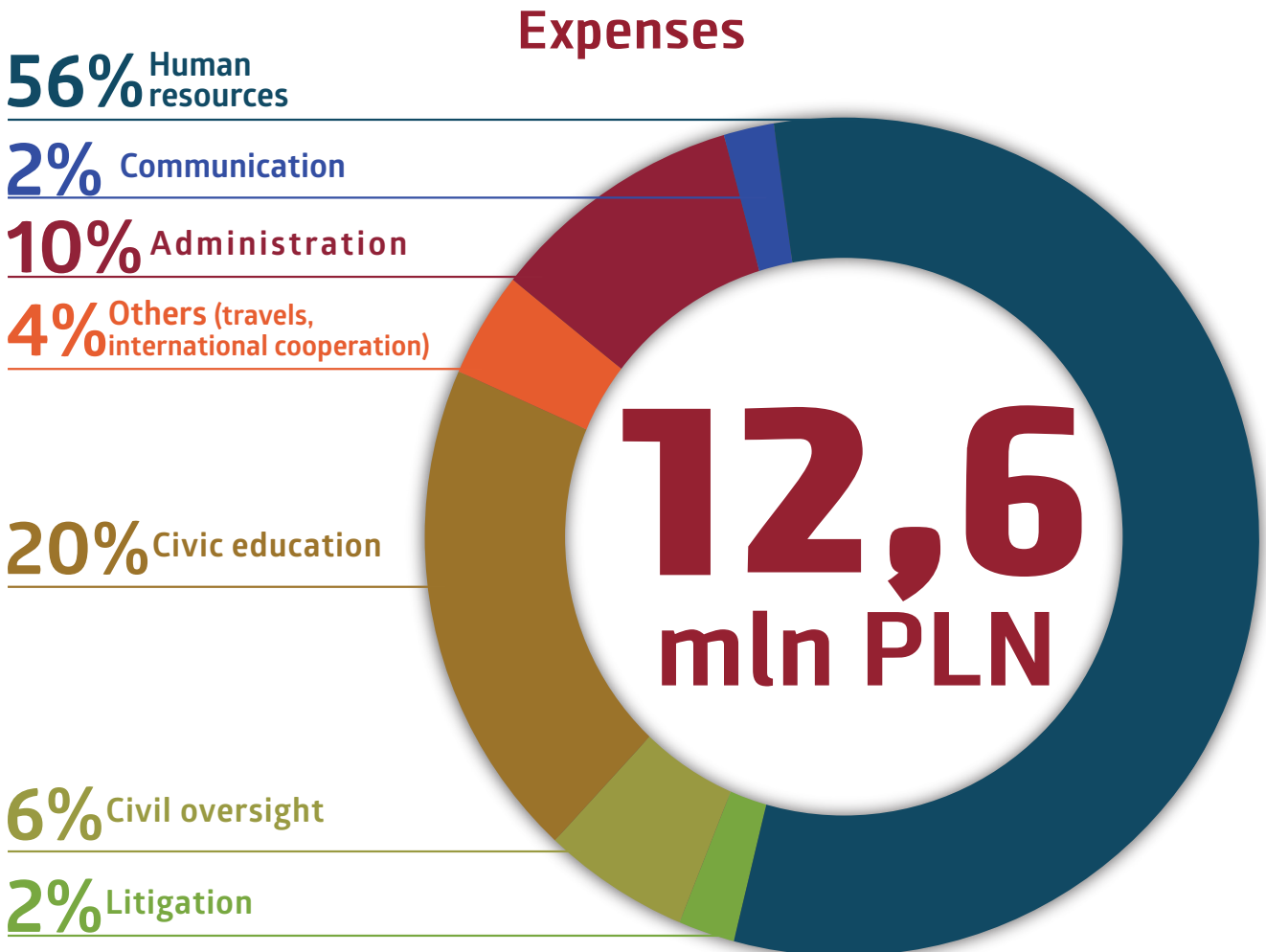
In total, in the years 2003–2018, we spent PLN 12,6 million. Most of the money (56%) was spent on personnel costs related to training, legal, and judicial assistance, and running the organization. A lot of the spending, 20% of the fifteen-year budget, was associated with our educational programs. On the other hand, the proportion spent on court cases was relatively small, which results from low court fees. Other costs include

administration (10%), monitoring (6%), and communications (2%).

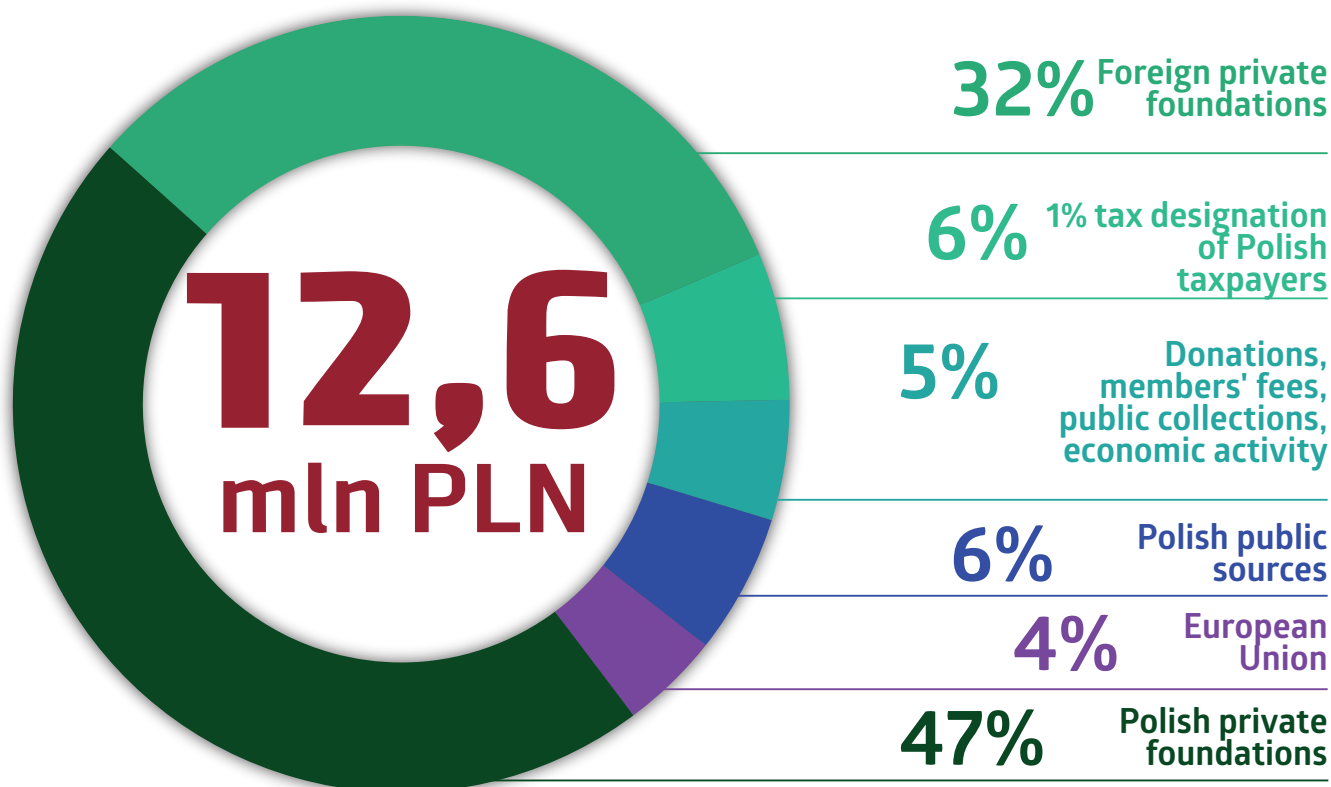
We received funds for our operations from donors, whom we thank very much. We earned a relatively small portion of the money. We divided our donors into several groups: private foundations in Poland (consultancy companies dealing with grants are included), foreign private foundations, Polish public sources, funds from the European Union, and

the annual 1% campaign (where Polish taxpayers are encouraged to donate 1% of their yearly personal income tax to a charitable organisation). In the diagram below, in a separate category, we have included donations, contributions, economic and paid statutory activities, and public collections.

The largest percentage of support (47% of our budget) was received from private foundations in Poland:



Income



- The Polish-American Freedom Foundation,
- The Stefan Batory Foundation (includes a large grant from the European Economic Area Funds and Norwegian Funds from 2014, which was awarded to us and four partner organizations)
- The Co-operation Fund Foundation (also from the EEA and European Commission funds)
- Ecorys Polska (a subsidy from the Swiss Contribution).

32% of our budgets over the years came from foreign private foundations. These were:

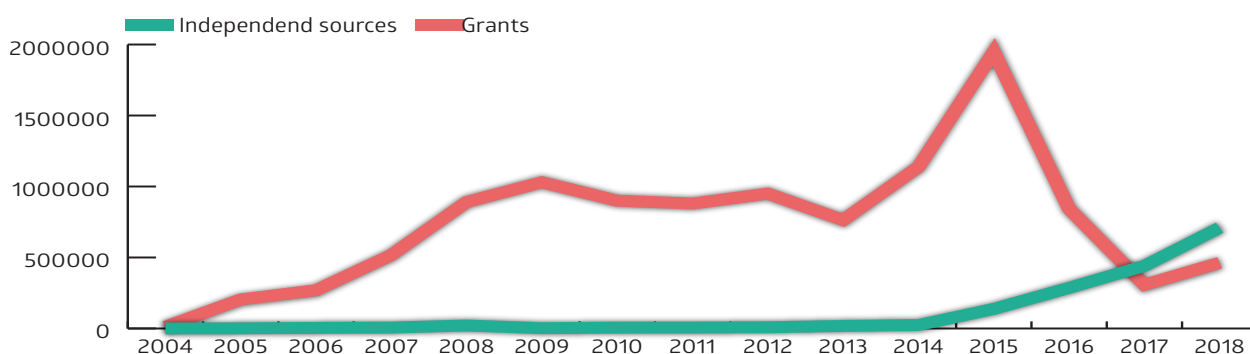
- The Heinrich Böll Foundation
 - The Open Society Foundations
 - The Open Society Foundations for Europe
 - The Partnership for Transparency Fund
 - The Sigrid Rausing Trust
 - The Trust for Civil Society in Central and Eastern Europe
- 6% of our 15-year budget was made

up of 1% campaign contributions.

Other funds – EU, state and from business activity and donations (from private individuals and MAGOVOX companies) – accounted for 4 and 5%, respectively.

From 2016, the proportions of funding from grants, donations, and the 1% campaign, as well as the organisation's business activity, started to change significantly. In 2017 and 2018, independent money accounted for over 50% of the budget.

Types of financial sources



Special thanks

We owe our development to many people and institutions.
Here are our 15 thank-you's for 15 years

Ashoka, an organization that gave us the courage to take risks and the self-awareness that we have one mission, and we have to fight for it until the end. But it is best to have a strategy. In that strategy, Ashoka continually supports us.

The Stefan Batory Foundation, our friend. The Stefan Batory Foundation kindly supports us, helping us develop and giving us the opportunity to mature and achieve financial independence.

Grażyna Kopińska – founding-mother. It was thanks to the personal involvement of Grażyna, director of the Anti-Corruption Program at Batory Foundation, that our first members met. She was also a source of inspiration for us in terms of her reliability, her constant search for new solutions, and her personal integrity. Though Grażyna is an honorary member and never formally joined the Founding Committee, she fulfilled her role on an informal basis.

Ewa Ivanova – a journalist who brought the right to information to the attention of the media. At a time when it 'wasn't fashionable,' she promoted transparency, asked politicians about their feelings on the issue, and went to court to enforce the law. It gave us a sense of strength in a time of powerlessness.

Michał Henzler – Michał helped us to take our first steps in promoting the right to information, and he has supported us many times since. He helped to choose our name and create our logo, and he inspired many of our ideas regarding the promotion of the



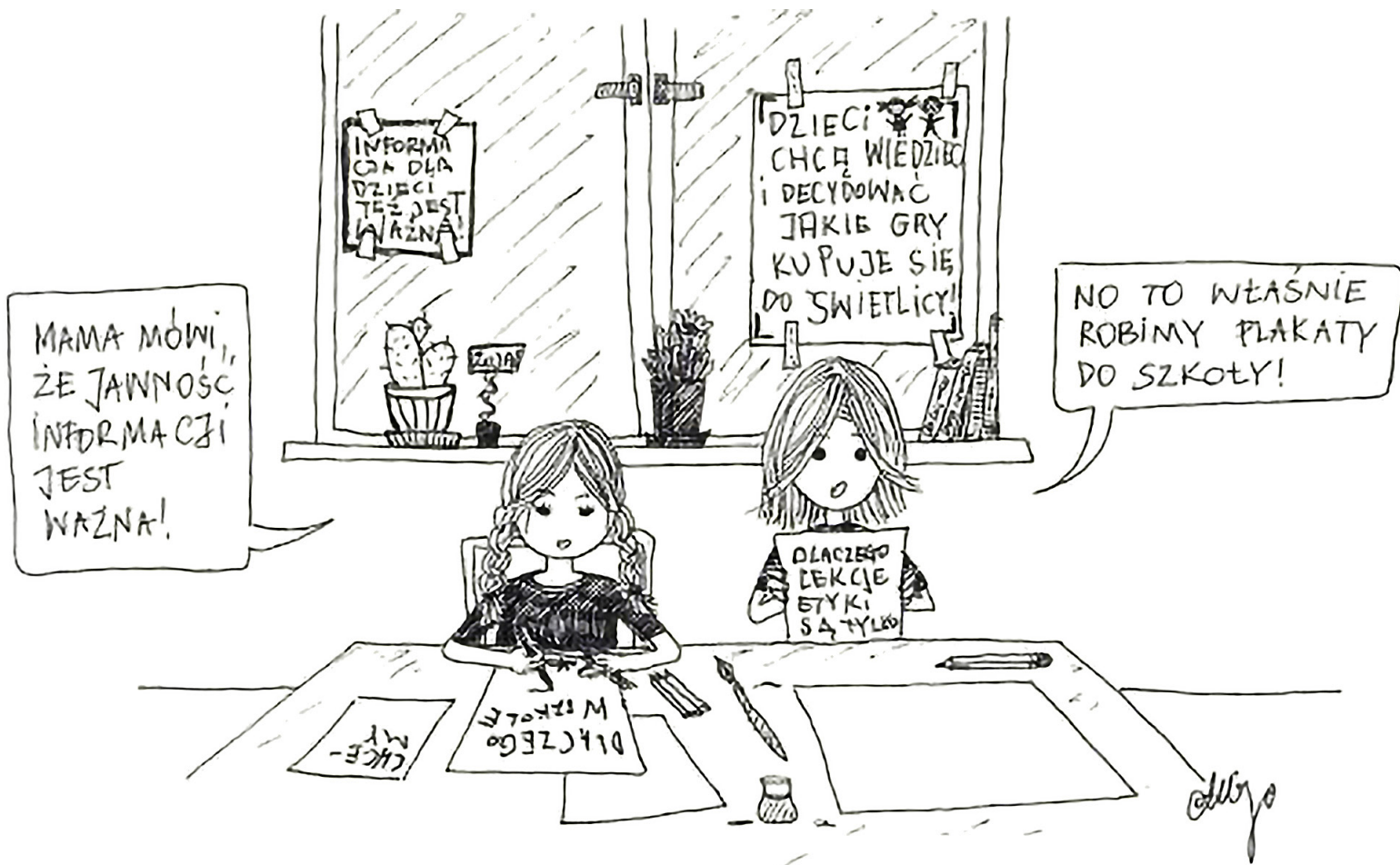
right to information as a human right.

Our accountants – Anna Pyrz-Rogozińska and Małgorzata Wilczyńska – Anna and Małgorzata provide us with peace of mind in terms of financial integrity and have given us time to organize our procedures well. Thanks to their work, our audits always have positive results. People like Anna and Małgorzata are key in activities such as ours.

Erik Hallgren – our 'financial advisor.' We met thanks to the joint initiative of Ashoka and the Polish Association of Capital Investors many years ago. Business people wanted to help organizations grow. Together we worked to plan our financial independence. Erik turned out to be a key person in our survival of the 2016–2018 financial crisis. He taught us to always count the money, to deal with the issue of reducing costs, and to make difficult decisions.

The Socio-Economic Investment Association (TISE). The TISE helped us to survive the 2016–2018 crisis by inventing a way of granting and repaying loans successfully. Thanks to their work,





we were able to maintain continuity, and since mid-2018 we've worked intensively on developing our programs.

Tomek Czeczko, the artist who first gave a theatre play on access to information and explained what it's all about. Beyond the memories, he gave us what we needed to create images, as well as a cult image to use.

Zoja and Tola Gregorowicz – Zoja and Tola inspired us to look for appropriate messages about transparency. The daughter of our member Areta, Zoja came with her mother to our first Toast for Transparency. There, she watched a theatre play about transparency. After returning home, she told her sister that it's good to ask about various things. Together, they decided that they would like to know how kindergartens decide on which games to buy. They asked their mother to draw it for them. In doing so, they discovered

new opportunities for talking about transparency. Since then, Areta has done many drawings for us.

Agata Chęcińska, our volunteer who surprises us with her creative ideas. She put together a band which produced two great radio ads for us. She delights us with her way of thinking about the topic, and has shown us that it is worth taking advantage of our volunteers' diverse talents. Her work led to our 1% campaign in 2017 and gave us hope for financial independence.

Marcin Talarek, initiator of the 'We care for a better daily life' campaign. He led us to areas completely new to us (including fashion design) and helped us see experimentation as a mode of action.

Tomasz Jarosz, Jacek Pawlak, and Jan Stoykov. Tomasz, Jacek, and

Jan showed us how to produce a professional TV spot and helped us believe that the abstract topic of access to public information can be communicated in a simple, interesting way. We owe them a great deal for their work to carry out our 1% campaign in 2018, the results of which were a great surprise to us.

Marcin Bójko, a person who can do everything. We are constantly taking advantage of Marcin's skills. He's doing DTP job, makes corrections in WordPress, takes photos at our events, prints materials at the last minute, and drives the crew to events. It seems there is no area unknown to him.☺

Tomasz Teodorowicz – as a volunteer, he has adapted customer relations management (CRM) software for us, producing very detailed user instructions. He taught us how to create instructions for IT volunteers.

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