

Digitization of Polish public universities - *selected issues*

Magdalena Kotowicz

Legal adviser

Cracow University of Economics (CUK)

Ostrava, October 13, 2022



Introduction

1. The development of the digital services market affects both non-public and public entities, including universities
2. Trusted services and electronic identification mechanisms are a matter that public universities meet both in their basic tasks, but also in other fields of their activities.
3. The presentation will discuss selected issues related to the digitization of universities – the university as:
 - 1) entity of civil law transactions
 - 2) sender and addressee of correspondence
 - 3) managing the circulation of correspondence and its archiving
 - 4) entity undertaking activities under the administrative procedure
 - 5) entity handling student affairs



Laws & regulations

1. eIDAS Regulation. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
2. Act of 23 April 1964 **Civil Code**
3. Act of 14 June 1960 **Code of Administrative Procedure**
4. Act of 20 July 2018 **Law on Higher Education and Science**
5. Act of 18 November 2020 **on electronic delivery**
6. Act of 14 July 1983 **on the National Archival Resources and Archives**
7. Act of 17 February 2005 **on computerization of the activities of entities performing public tasks**
8. Act of 5 September 2016 **on trust services and electronic identification**



Electronic activities in the civil law space

1. Public University is an entity having legal personality.
2. The statement/will can be expressed by any behaviour that reveals will in a sufficient manner, including in electronic form
3. Exceptions to the principle of freedom of the form – legal obligation to perform legal action in special form, both sides agreement, evidentiary purposes
4. The majority of declarations of statement addressed by public University to external entities are submitted in writing
5. The statement made in electronic form with qualified electronic signature was equated with a declaration of will made in writing
6. A qualified electronic signature is submitted using a qualified device and is based on a qualified certificate issued by a qualified trust service provider
7. Document – information carrier enabling familiarization with its content
8. Document form – declaration of will in the form of a document in a way that makes it possible to determine the person submitting it



Electronic delivery

1. Act on Electronic Delivery - the obligation for the university to have an address for electronic deliveries, entered into the database of electronic addresses - no later than 1.01.2024.
2. Delivery inbox – allows to send, receive and store correspondence
3. Electronic document – any content stored in electronic form
4. Correspondence – requiring confirmation of posting or receipt should be delivered by public electronic registered delivery service or public hybrid service
5. Public electronic registered delivery service or public hybrid service is provided by designated operator



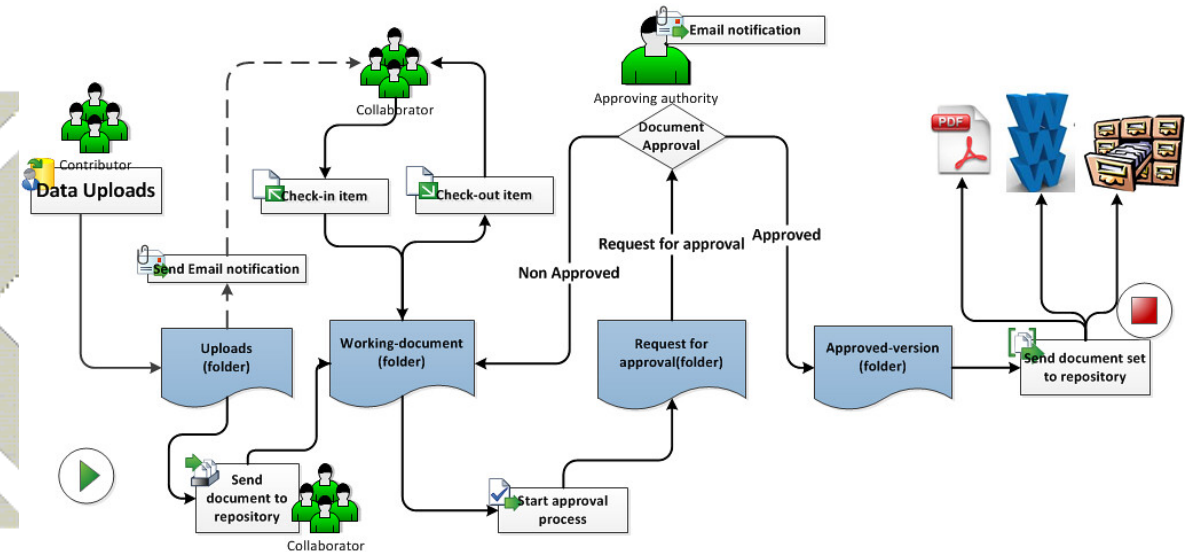
Electronic delivery – cont.



1. Qualified electronic registered delivery service – providing qualified addresses for electronic service by trust service providers to non-public entities
2. Creation of an address for electronic service - application to the Minister competent for digitalization
3. Appointing an administrator of delivery inbox
4. Delivery inbox management includes:
 - sending and receiving correspondence
 - communication flow management, including the introduction of rules for defining the transmission of correspondence to other ICT systems in an automatic manner
 - inbox configuration

Electronic documentation management systems

1. Comprehensive functioning of the electronic delivery system requires an implementation of electronic documentation management systems
2. University is obliged to record, storage and protect documentation, it can be done by electronic system
3. It needs to change internal chancellery and archival norms – there two ways of changing – comprehensive digitalization with definition documentary exceptions or remain at documentary form with definition electronics exceptions
4. Electronic documentation management system can be integrated with other systems used by university



Electronic activities in the administrative procedure

1. Obligation of public university to apply, in certain matters, an administrative procedure regulated by the provisions of the Code of the Administrative Procedure
2. Electronic delivery and submission of applications will be realized according to Act on electronic delivery – exception: possibility to use an account in the ICT system of university
3. Code of the Administrative Procedure - dealing with matters in writing, recorded in paper or electronic form
4. Documents in electronic form may be accompanied by a qualified electronic signature, a trusted signature or a personal signature or a qualified electronic seal of a public administration body *(with an indication in the content of the letter of the person sealing the letter)*

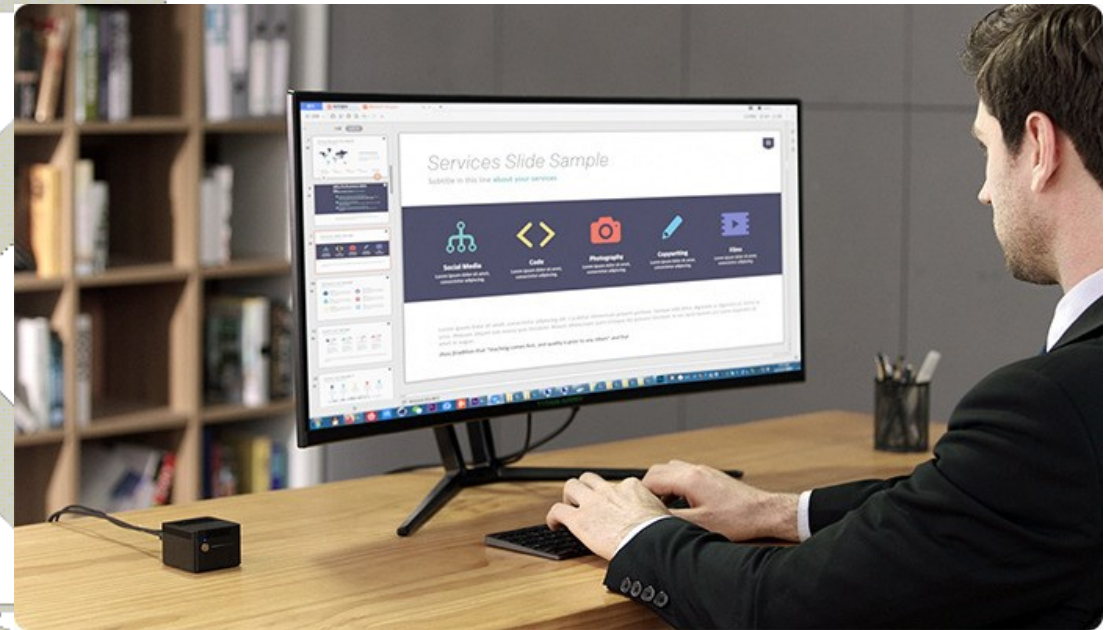


Electronic student support

1. Digitalization of public universities:

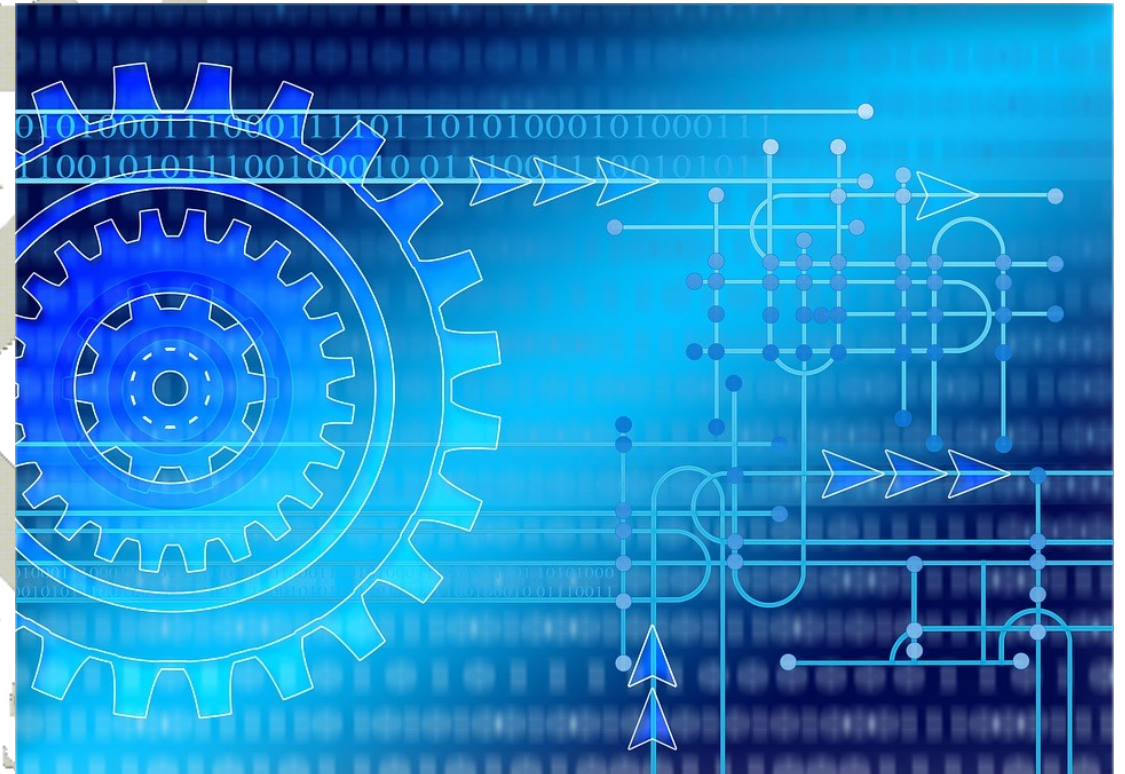
- use of IT systems related to the recruitment of students, systems used to manage course of studies
- keeping documentation of course of studies in the form of an "electronic folder"
- issuing electronic student ID cards
- the possibility of verifying learning outcomes and conducting diploma exams using electronic means of communication and documenting them in this form

2. Electronic student support also allows the student to settle the matter resulting from his status as a person studying at the university, in the computerized and remote way, and does not requiring physical presence



Summary

1. Digitalization affects almost every university activity:
 - education
 - science
 - civil and administrative space
2. The development of digitization of public universities varies, and depends on decisions of authorities and financial and organizational possibilities
3. The process of digitization of universities is also "forced" by introduced or amended law regulations
4. Digitization of public universities - a process that cannot be stopped and cannot be avoided



Thank You!

Magdalena Kotowicz

Legal adviser

Cracow University of Economics (CUE)

