

## Answers to the Questionnaire

### Ad.1

*Has any association of Internet Service Providers (ISPs) been established in your country? Please give details of the ISP association(s)*

At present no such association exists in Poland

### Ad.2

*Has a code of conduct been drawn up by the ISPs in your country? If possible, please provide a copy of the web address where it can be accessed.*

There is no such code of conduct in Poland.

### Ad. 3

*To what extent were public authorities and consumers involved in the drawing up of the ISP code of conduct? Is consultation of public authorities and consumers required when the code is reserved or amended?*

Does not apply.

### Ad 4.

*Are there any legal requirements in your country which apply specifically to ISPs and how they should deal with illegal or harmful content accessed over the Internet? If so, what are they?*

Yes, there is legislation relating to ISPs and how they should deal with harmful content. On the 12 March of this year the Act on Providing Services by Electronic Means came into force, which has regulations specifically related to ISPs and the content they provide.

The Act covers the conduit, caching and hosting which derogate liability from providing certain services by electronic means. The Act complies with the European Directive on Electronic Commerce.

ISPs are not liable for data stored when providing access to the telecommunications system if they are not aware of the illegal character of the data or any activity connected to it. When an ISP receives proper notification of any illegal activity it must immediately deny access to that data. The ISP is not liable for any damages resulting from this denial of, providing that the recipient is informed immediately. There are also regulations covering how ISPs should deal with illegal or harmful content.

It is also worth mentioning that ISPs are not obliged to verify any data which is stored, transmitted or made available by them, as set out in the EU directive.

**Ad.5**

*Are there any specific requirements for ISPs to inform the police or judicial authorities about illegal content offensive to human dignity, which is available over the Internet?*

Yes, the Act on Providing Services by Electronic Means also contains regulations on this issue, which affect ISPs in two ways. First, ISPs are obliged to inform either the Police or the judicial authorities of any illegal content. Second, if an ISP informs the police or judicial authorities about illegal content on their systems they will not be held responsible for it.

**Ad. 6**

*Has a "hotline" for reporting harmful or illegal content been established in your country? If so, please give details (including web and e-mail address) of the hotline(s), including their method of financing.*

The sample of effectively working hotline for reporting harmful or illegal content in Poland could be the initiative of Kid Protect foundation [www.kidprotect.pl](http://www.kidprotect.pl), [fundacja@kidprotect.pl](mailto:fundacja@kidprotect.pl). Concerning the fact that this is a non-profit and non-governmental foundation, this is subsidized with grants from sponsors and founders (such as commercial companies).

Beside of the settled hotline, there are associations effectively managing the science networks. These organizations took on an idea to settle the centers that will be reacting in every case of offending, acting against the law, or distributing objectionable content. One of these institutions is CERT (Computer Emergency Response Team) [www.cert.pl](http://www.cert.pl). It was created by NASK (Science and Academic Computer Network) in 1996. Main task of this project is to protect the computer network.

**Ad.7**

*Of the problematic Internet content which has been reported, approximately what proportion of this is hosted outside your country or outside the EU?*

At present no such estimates are available.

**Ad.8**

*What measures and initiatives have been taken, either by public authorities or by operators, to raise public awareness of hotlines? Are these measures and initiatives judged to have been effective?*

The main initiative to raise public awareness of hotline is propagation of a program against the adult – orientated, abhorrent or injurious content. Activities that are efficient and successful in this area are:

- Implementing of pilot programs to the schools (e.g. idea of hotline popularized by Kid Protect foundation)

- Organizing of meetings addressed to the children, their parents and teachers
- Printings of warning posters, booklets and folders
- Offering the "Free Ware" – free filtering program to be installed at each of computers.

There are the prerequisites to recognize that measures – that had been taken - are effective. People – when they can remain anonymous – notify the incidents. The notification of course can be reported directly to the police – however the "hotline" is much more discreet. The choice of measures is wide. An occurrence can be reported via: sms, phone, fax, mail, or special form available in the Internet. In many cases the reports are forwarded to the special unit of the police.

#### Ad.9

*Where hotlines have been established, please give, in so far as possible, an estimation of their effectiveness in reducing the extent and accessibility of harmful and illegal content. This could include public opinion as to their effectiveness/ efficiency as well as the views of operators.*

At present no such estimates are available.

#### Ad. 10

*Apart from any involvement in the work currently funded by the Community Action Plan on promoting safer use of the Internet, have any efforts been made, either by industry or public authorities, to develop a filtering and rating system for the Internet in your country? If so, what progress has been made and what are the difficulties encountered?*

There are some institutions in Poland that are trying to develop a filtering and rating system for the Internet. The samples of non-government organizations that fighting against the illegal and harmful content are e.g. Kid Protect foundation [www.kidprotect.pl](http://www.kidprotect.pl) or Association to Fight The Child Prostitution and Pornography. Both of them were established inter alia to monitor and filter the network, work against pedophilia and children prostitution.

The other initiatives in this field were undertakings of private sector in Poland. The mission of e.g. Cenzor [www.cenzor.pl](http://www.cenzor.pl) , as one of the precursor in Poland in this field is to provide a supervising tool of Internet usage for parents, teachers and for superiors of companies.

It is also worth mentioning that the biggest informative portal in Poland: Onet.pl ([www.onet.pl](http://www.onet.pl)) have installed a family filter. The family filter is a feature to help the visitors avoid search results display what might be considered obscene, vulgar, indecent or similarly objectionable material. This system automatically categorizes pages to separate the less desirable pages from the rest of the search results. Inappropriate images are screened from image and video searches. Family filter blocks also sites and pages containing sexual material and other mature and/or objectionable content or removes pages deemed inappropriate by the editors and by other Onet pl. users.

The main progress that is connected with the above initiatives was a proceeding popularization of subjects or sites considered as embarrassing in Polish society. The other was

of course the settlement of the institution fighting the spreading content offensive to human dignity.

As it concerns the difficulties connected with the developing a filtering and rating system for the Internet is doubtlessly the shortage of another hotline, that would be useful to overpower the other difficult subject: e.g. racial.

#### **Ad.11**

*Do any obligation exist, either in law or in relevant codes of conduct, for ISPS to inform subscribers about available filtering and rating systems and age verification software?*

At present no such obligation exists in Poland

#### **Ad.12**

*What measures have been taken at national, local or regional level to spread awareness of safer Internet issues? Have these been part of a larger plan of "media education" Have they been supported by public funds or private funding (e.g. from industry or from voluntary associations) or by a mixture of public and private funding?*

The measures taken to spread public awareness of safer Internet issues consist largely in:

- Implementing of pilot programs to the schools (e.g. hotline popularized by Kid Protect)
- Organizing of meetings addressed to the children, their parents and teachers
- Printings of warning posters, booklets and folders

These activities are not a part of any larger plan of "media education" and are supported by private funding from voluntary associations.

#### **Ad. 13**

*Is there any indication that the development of the Internet in your country has been slowed down by public fears concerning harmful and illegal content which may be accessed over the Internet?*

There is no such indication.

#### **Ad. 14**

*Is the current level of international co-operation in this matter, particularly within Europe, seen as sufficient? If not, what measures could be taken to improve it?*

Current level of international co-operation-concerning harmful content doesn't look as sufficient. Good solution would be to settle the international hotline in Europe, to intensify the common efforts and initiatives.

**Ad. 15**

*Have you already covered or do you intend to cover by the above mentioned self-regulation measures or by regulation similar services such as transmission via mobile, in particular as concerns UMTS?*

At present does not apply.

**Ad. 16**

*Please describe any initiatives which have been taken to control online chat-groups, in particular measures taken in order to avoid any abuse, which could be harmful to minors?*

At the same hotline page of the Kid Protect exists a special form to report the harmful incidents to the children or minors. These cases are often reported to the police. There are some data to be necessarily filled in at this blank form e.g.:

- Mail address
- Address of the page with the chat
- Nickname of the interlocutor
- Nickname of the reporting person
- Date and time of the incident
- Description

At present in Polish law there is no regulation that could enable the punishment of pedophile who pretends to be a child or a person spreading the racial content during the chats in the chat-rooms.

**Ad 17**

*Please describe measures which have been taken in order to improve media literacy (e.g. teaching children how to make a responsible use of new media)?*

The measures to improve media literacy are similar to the actions that were taken to raise public awareness:

- Implementing of pilot programs to the schools (e.g. hotline popularized by Kid Protect)
- Organizing of meetings addressed to the children, their parents and teachers
- Printings of warning posters, booklets and folders

**Ad 18**

*Is there any specific regulation or self – regulation concerning the specific question of the right of reply with respect to online – media? Have there been concrete problems during the last two years concerning these issues, in particular problems involving cross – border aspects?*

The right to reply is regulated in The Press Law Act. Art 31 of the Press Law Act says”

“Upon application of an interested natural person, legal person or other organizational unit, the editor-in-chief of a relevant daily paper or a periodical is obliged to publish, free of charge:

- 1) to the point and factual correction of untruthful or imprecise news,
- 2) Factual reply to a statement endangering personal goods”.

Indicated regulation applies to all kind of media included in the Internet.

### Broadcasting

#### **Ad. 19.**

*Have broadcasters in your country established a system of self-regulation relating to the protection of minors? Please give the details of this particularly with regard to membership.*

On 25<sup>th</sup> February 1999 main Polish television broadcasters, by inspiration of the National Broadcasting Council, concluded an agreement on protection of minors “Friendly Media” (“Przyjazne Media”). Provisions of that agreement are mostly concerned on protection of minors and on the harmful content.

Broadcasters who decided to access the aforementioned agreement accepted following rules:

1. Broadcaster is obliged to take all the necessary steps towards preventing minors from watching programmes not suitable for them.
2. In order to eliminate programmes exposing brutality and violence and breaching moral values broadcasters should introduce effective system of the content control.
3. There is a need to introduce universal system of alerting the viewers, especially parents of minors, before transmitting programmes that might have a negative impact upon the physical, psychological or moral development of minors.

Broadcasters being Parts of the agreement also agreed on specific rules concerning “protected time”(regulated in art. 18 sec 5 of the Broadcasting Act).

#### **Ad. 20.**

*Does this system of self-regulation include a code of conduct regarding the protection of minors and harmful content? (Please note, this question does not concern only advertising specifically aimed at minors. It concerns audiovisual content which could be harmful to minors regardless of whether this is contained in advertising or in general programming.)*

Agreement of broadcasters “Friendly Media”(“Przyjazne Media”) concern particularly on protecting of minors from harmful content. It includes rules concerning transmission of programmes that might have a negative impact upon the physical, psychological or moral development of minors.

That rules especially refers to qualifying programmes for transmission in the “protected time”, decreasing degree of violence shown in information programmes, introducing universal code of warnings of harmful content.

In addition, annex to this agreement contains catalogue of rules for qualifying television programmes for particular groups of minors.

**Ad. 21.**

*Are on-screen warning icons required, either by law or by codes of conduct, for potentially harmful television programmes? Are acoustic warnings before such programmes required, either by law or by codes of conduct? Where such measures are used, are they considered to be effective?*

Screen warning icon and acoustic warning are not directly required by law, but there is general obligation to inform viewers immediately prior to transmission of potentially harmful television programmes (§2 of the Regulation of 20<sup>th</sup> November 2001 concerning the detailed methods of classifying, transmission and announcing programs and other broadcasts that might impair the physical, psychological or moral development of minors, Official Journal "Dziennik Ustaw" of 2001, No 152, item 1744).

According to the regulation mentioned above, the broadcasters have to inform viewers both in the announcements as well as immediately prior to transmission of potentially harmful television programmes. Paragraph 2 says: "the content of such information shall indicate that the program or other broadcast might have a negative impact upon the physical, psychological or moral development of minors, if such a danger exists".

In addition, §3 of this regulation says " The announcements of programs or other broadcasts, referred to in § 1, combined with the presentation of their content may be transmitted only in the transmission time during which the transmission of these programs or other broadcasts is permitted".

Furthermore, according to the §4 of this regulation the broadcaster is obligated to draft, within 3 months after the date on which regulation mentioned above came into force, the internal rules governing the principles of classifying programs or other potentially harmful broadcasts for the purpose of their transmission.

Warning on-screen icons are required by broadcasters agreement "Friendly Media" ("Przyjazne Media") of 25<sup>th</sup> February 1999 concluded by the inspiration of the National Broadcasting Council.

Opinion on the results of this system is included in the standpoint of the NBC of 11<sup>th</sup> January 2001 concerning effects of the agreement of Polish television broadcasters "Friendly Media" ("Przyjazne Media"), prepared after the conference "6 months after introducing warning icons in television – effects and future prospects of broadcasters agreement "Friendly Media" ("Przyjazne Media")", organized by the NBC on 28<sup>th</sup> November 2000.

In that standpoint the NBC appreciated role of self-regulation in protecting the minors and considered broadcasters agreement very useful. In addition, results of research indicated that system of warning icons is recognized by the viewers; and in some extent make parents more aware and sensibilized on transmitting harmful content. However, NBC express also its concern the lack of satisfactory progress in realizing some of the provisions of the aforementioned agreement

NBC submitted following proposals to the agreement:

1. connecting the system of warning icons with particular group of minors.
2. introducing more detailed conditions of using "with parents approval" mark.
3. introducing on regular basis television programmes concerning matters raised in the "Friendly Media" agreement concerning protection of minors, especially training on understanding the system of screen icons.

#### Ad. 22.

*Do any broadcasters established in your country use technical filtering devices to ensure that minors may not view harmful programmes? If so, what measures and initiatives have been taken to ensure that parents and guardians are aware of these devices and how to operate them. Are these devices held to be an effective means of protecting minors in your country?*

The broadcasters in Poland have not introduced yet more advanced solutions, such as technical filtering devices protecting of minors.

Still, some researches show that more effective solutions are trainings and information programmes increasing awareness on this topic of parents and minors.

Despite this, development of that technical solutions is carefully followed by specialists from the NBC.

#### Ad.23.

*Please describe measures which have been taken in order to improve media literacy (e.g. teaching children how to make responsible use of television)?*

The National Broadcasting Council is concerned about insufficient progress in improving media literacy. NBC is looking forward to more complex co-operation between broadcasters in introducing educational television programmes concerning media education on regular basis.

The NBC also concluded in its standpoint of 25<sup>th</sup> February 1999 that broadcasters shall enter into regular dialogue with representatives of parents, teachers and viewers organizations.

#### Video Game Software

#### Ad 24

*Are there any specific legal provisions in your country concerning the sale of video games? (This question concerns the physical sale of video games software, not the provision of software over the Internet for downloading onto computers).*

There are no specific provisions concerning the sale of video games in Poland

#### Ad 25



*Is there any self-regulatory system in place which covers questions relating to age-rating for video games? (e.g. such as the system of self-rating, which has been announced by the Interactive Software Federation of Europe (ISFE) If so, please give details*

There are no self-regulatory system in place which covers questions relating to age-rating for video games in Poland

#### **Ad 26**

*Are current measures to protect minors harmful video games considered to be effective?*

There are no current measures to protect minors from harmful video games in Poland

#### **Ad 27**

*As online games and computer games, especially on LANs (Local Area Networks), are very similar, have you also included them into measures of self-regulation and/or regulation?*

There are no measures of self-regulation and/or regulation in Poland

#### Other Content Delivery Systems

#### **Ad 28**

*With regard to cinema, videocassette and DVD rating systems, have there been any major development since the year 2000?*

At present no such estimates are available.

#### General

#### **Ad 29**

*In what way have you associated consumer associations, voluntary associations and non-governmental organizations to the implementation of the Recommendation?*

At present no comment available

#### **Ad. 30**

*Is the lack of coherence between the various rating and classification systems for audiovisual media (cinema, television, videocassettes, video games, Internet) seen as problematic in your country, e.g. in terms of creating confusion among customers? Are any measures or initiatives being considered to introduce greater coherence in the way audiovisual media are evaluated and classified? Has there been any cooperation to this extent with other Member States or organizations from abroad?*

At present no comment available

**Ad.31**

*Have the efforts in your country with respect to the protection of minors been accompanied by scientific boards and specific studies with respect to violence or other harmful content and their impact on minors? Are there any voluntary agreements by broadcasters and by content on the Internet?*

Does not apply.

**Ad. 32**

*If you are aware of any study or scientific report which has been prepared on this issue during the last two years, please transmit a copy or give the references.*

Does not apply.