

Regulations for providing access to collections, images of collections and information on collections of the Seweryn Udziela Ethnographic Museum of Kraków for purposes other than museum tours

Legal basis

Act of 21 November 1996 on Museums (Journal of Laws of 2012, item 987, as amended)

Act of 25 February 2016 on the Re-use of Public Sector Information (Journal of Laws of 2016, item 352, as amended)

Ordinance of the Minister of Culture and National Heritage of 5 July 2016 on Maximum Rates for Re-use of Public Sector Information Imposed by State Museums and Local Government Museums (Journal of Laws of 2016, item 1011)

Definitions

Museum objects: movable items that constitute the property of the Seweryn Udziela Ethnographic Museum of Kraków and have been recorded in the inventory of museum objects.

Archive records: written, iconographic, audio, and audio-visual documents that constitute the property of the Seweryn Udziela Ethnographic Museum of Kraków and have been recorded in the inventory of archive records.

Public sector information concerning museum objects and archive records that constitute the property of the Seweryn Udziela Ethnographic Museum of Kraków include, among others, currently held digital images of museum objects and archive records (photographs and scans) and currently held information on the values and contents of the collections.

Re-use of public sector information is the use of said information by natural persons, legal persons, and unincorporated entities for commercial or non-commercial purposes other than the original public purpose for which the information was created.

Enquiry – providing physical access to selected museum objects, archive records, and information about museum objects and archive records to the relevant person (representative of an institution, private individual, without restriction), taking place at the Museum on a mutually agreed date. The scope and the selection of museum artefacts to be provided during an enquiry

are determined in advance with a museum officer who organises the enquiry. The rules for providing access to archive records are set out in separate *Regulations for the use of the collections of the Cultural Contexts Documentation Department of the Seweryn Udziela Ethnographic Museum of Kraków (MEK Archives) as part of enquiries.*

Digital enquiry – providing access to the electronic registry of museum objects or archive records to the relevant person (representative of an institution, private individual, without restriction), taking place at the Museum on a mutually agreed date.

On-demand enquiry – providing the relevant person (representative of an institution, private individual, without restriction) with access to the results of a museum officer's research work concerning museum objects or archive records and containing information agreed with the requesting party.

Public domain – includes works whose copyright has expired due to 70 years having passed since the death of their author, the last of their co-authors, the date of distribution, or the date on which the work was first disseminated, or copyright does not apply to them under Article 4 of the Act of 4 February 1994 on Copyright and Related Rights.

Non-commercial purpose – non-revenue-generating activities, including:

- research work
- scientific publication to be shared online
- bachelor's thesis
- master's thesis
- doctoral thesis
- conference presentation
- non-commercial popular science/education blog
- non-commercial website
- various types of publications and educational material distributed free of charge
- amateur collectors' activities
- research carried out for personal use

Commercial purpose – revenue-generating activities, including:

- various forms of advertisement
- commercial website or blog
- various types of publications and educational material distributed for a fee

§ 1 General principles

1. The Museum provides images of museum objects and archive records only in digital form, in a file format it currently has available (jpg or tiff).
2. The Museum does not provide public sector information whose creation by the Museum does not fall within the scope of its public tasks as defined by law, or information that is protected by law. These include, among others:
 - a. information whose copyright and related rights are held by an entity other than the Museum
 - b. information on the security of collections
3. The Museum may also deny permission for the re-use of public sector information if their provision would require work that goes beyond simple operations.
4. All professional photographing, scanning, copying and filming of museum objects and archive records is carried out exclusively by Museum staff. Under exceptional circumstances, external bodies may become involved, but upon approval of the Museum and on the basis of a separate agreement.
5. The photographing of museum objects and archive records during enquiries is permitted under the terms approved with a collection supervisor. Visual documentation of the collections made available can be used only for own research purposes. To obtain images of museum objects or archive records, it is necessary to file an application to access them or request to have them photographed.
6. Providing access to images of museum objects and archive records that the Museum does not hold involves ordering a paid service subject and is subject to rules agreed individually between the Museum and the ordering party (scope of the order, deadlines, etc.). Fees are specified out in **Museum objects and archive records image provision price list** attached as Annex 2.
7. Provision of images for the statutory activities of partner museum institutions is governed by the separate agreements in each case.
8. The media are provided access to digital images of objects by a member of the staff responsible for media relations and publicity in coordination with Museum management.
9. Images published on the website of the Ethnographic Museum of Kraków are provided upon request, unless the object has been marked as belonging to the public domain.

Users of images belonging to the public domain are obliged to publish a notice stating that the object comes from the collection of Seweryn Udziela Ethnographic Museum of Kraków.

§ 2 Providing information on request

1. A request for access to information shall be made in writing with the signature of the person making the request or electronically with the signature of the applicant.
 - a. The application shall be submitted in person or sent by post to:
Muzeum Etnograficzne im. Seweryna Udziela w Krakowie, ul. Krakowska 46, 31-066 Kraków, marked *request for access to information*
 - b. Electronically at the e-mail address: sekretariat@etnomuzeum.eu
- A model of the application is attached as Annex 1.

§ 3 Time limit and method of examination

1. The application shall be considered no later than 14 days after its submission. If it is not possible to process the application within the above timeframe, an extension of up to 2 months may be granted, after notifying the applicant of the reasons for the delay.
2. An application filled in incorrectly will not be considered if the applicant does not complete or correct it despite being informed to do so.
3. After reviewing the application the Museum:
 - a. transmits public sector information for re-use or gives its consent to the re-use of public sector information at the disposal of the applicant without specifying the conditions for re-use,
 - b. determines the conditions for re-use, including the fee, and presents it to the applicant,
 - c. refuses to make the information available or withholds its consent to the re-use of public sector information.
4. If the applicant accepts the offer, the Museum shall grant them the appropriate licence. Failure to provide notice of acceptance within 14 days of the offer's receipt shall constitute withdrawal of the application.

5. In the event of an applicant's objection to the conditions of providing information, the Museum shall decide on the conditions of re-use or the size of the fee for re-use.

§ 4 Fees

1. In determining the rates for re-use of public sector information, costs arising from the collection, production, reproduction, dissemination, protection, and establishment of rights to the information accessed or transmitted shall be taken into account.
 - a. Enquiries, including electronic enquiries, are conducted **free of charge**. The results of on-demand enquiries are made available **free of charge**, if the time required to process an enquiry by a Museum employee does not exceed **1 hour**.
 - b. A fee of **PLN 25 gross** for each additional commenced hour of work is charged for carrying out an on-demand enquiry that exceeds 1 hour of a Museum employee's work. The requesting party will be informed of the fee prior to the start of the enquiry.
 - c. In justified cases, the Museum may refuse to carry out an enquiry.
 - d. Enquiries carried out for the purposes of statutory activities of partner museum institutions are carried out free of charge.
2. Provision of digital images of museum objects and archive records for non-commercial purposes of a research, scientific, educational nature is **free of charge** if the request includes **up to 10** images.
 - a. In the case of applications involving more images, a fee of **PLN 10** gross is charged for each additional image.
3. Providing digital images of museum objects for commercial purposes carries a fee of **PLN 118** gross per item and for archive records – of **PLN 50** gross per item.
4. In justified cases, the Museum may set a reduced fee or waive the fee for providing images.
5. Fees for processing the application shall be paid by the applicant on the basis of an issued invoice.

6. Payment shall be made by bank transfer to the account number: 20 1240 4722 1111
0000 4857 1971 (Bank Pekao SA).

No.	Form of access	Purpose	Fee/ gross	VAT rate
1	enquiry and electronic enquiry concerning museum object or archive records collection	non-commercial/commercial	Free of charge	exempt
2	on-demand enquiry	non-commercial/commercial	Up to 1 hour – free of charge; Each additional hour PLN 25	exempt
3	For the purpose of re-use of public sector information – images of museum objects in the form of scans or digital photographs (jpg/tiff)	non-commercial	10 pcs free of charge Each additional PLN 10/pc	23%
		commercial	PLN 118 /pc	23%
4	For the purpose of re-use of public sector information – images of archive records in the form of scans or digital photographs (jpg/tiff)	non-commercial	10 pcs free of charge, Each additional PLN 10/pc	23%
		commercial	PLN 50 /pc	23%

§ 5 Fulfilment of the application

1. The application shall be processed upon payment of the appropriate fee by the applicant.
2. The application may be processed before the relevant fee has been paid if a date and amount have been specified in writing.
3. The Museum should be able to contact the applicant between the application's submission and completion of its processing.

§ 6 Principles of liability of the Seweryn Udziela Ethnographic Museum of Kraków

The Museum shall not be liable for:

1. Damage caused by the acquisition of public sector information or re-use of public sector information in breach of the terms and conditions for the provision and re-use of public sector information.
2. Damage caused by further provision of public sector information by re-users done in breach of commonly applicable law, including further provision of public sector information done in breach of the regulations governing its protection, including the provisions of the Copyright and Related Rights Act, the Database Protection Act, the Personal Data Protection Act, the Classified Information Protection Act, etc.

Annex 1

APPLICATION FOR ACCESS TO DIGITAL IMAGES OF MUSEUM OBJECTS/ARCHIVE RECORDS FROM THE COLLECTIONS OF THE SEWERYN UDZIELA ETNOGRAPHIC MUSEUM OF KRAKÓW

Full name			
Name of institution			
Address NIP/REGON			
Contact info (e-mail, phone number)			
	Purpose – non-commercial (related to non-profit activities) Purpose – commercial (related to for-profit activities) *underline as appropriate		
Detailed information on the purpose of access (author, title of publication/research paper, type of product, website address, etc.).			
Requested images of museum objects/archive records:			
No.	Inventory no.:	Author (if known)	Object name:
1.			
2.			
3.			

I declare that I have read the GDPR information clause and agree to the processing of my personal data by the Ethnographic Museum of Krakow for the purpose of recognising and fulfilling the application.

I declare that I am familiar with the Regulations of providing access to collections and information about the collections of the Seweryn Udziela Ethnographic Museum of Kraków for purposes other than sightseeing.

I undertake to provide the following information in an appropriate place: name/title of the object whose image has been made available to me, author, inventory number and information about the owner of the object: *from the collection of the Seweryn Udziela Ethnographic Museum of Kraków.*

Date and applicant's signature.....

Personal data protection information clause

1. In accordance with Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) – General Data Protection Regulation hereinafter referred to as GDPR, we inform you that:
2. **The Data Controller of the Applicant's personal data is:**
 - Muzeum Etnograficzne im. Seweryna Udzieli w Krakowie ul. Krakowska 46, 31-066 Kraków
 - NIP: 9441503752, REGON: 000277492,
 - hereinafter referred to as **the Data Controller**.
3. For all matters relating to the processing of personal data and the exercise of rights in relation to data processing **you can contact the Data Protection Officer**, via e-mail at: iodo@etnomuzeum.eu or in writing to the address of the Museum's main seat, as indicated in point. 1.
4. **The Data Controller processes the Applicant's data for the following purposes:**
 - a. fulfilment of the request by the Data Controller (Article 6(1)(b) GDPR)
 - b. compliance with a legal obligation to which the Data Controller is subject in connection with the performance of a contract (Article 6(1)(c) GDPR)
 - c. archival, statistical, reporting purposes
 - d. recovery of claims.
5. **The legal basis for processing personal data is as follows:**
 - a. compliance with a legal obligation to which the Data Controller is subject (Article 6(1)(b) and (c) GDPR)
 - b. necessity for the purposes of the legitimate interests pursued by the Data Controller (Article 6(1)(f) GDPR)
6. **The provision of personal data is voluntary but necessary to process the application.**
7. The Applicant's personal data **will be processed and stored for the period necessary to fulfil the indicated purposes**, in accordance with the criteria set out in legislation.
8. The Applicant's personal data **will not be processed by automated means or subjected to**

profiling.

9. The Data Controller informs that the applicant has the following rights:

- a. **access to the contents** of their personal data (Article 15 GDPR);
- b. **rectification (correction)** of incorrect data (Article 16 GDPR);
- c. **erasure of data** processed unjustifiably and unlawfully (right to be forgotten – Article 17 GDPR);
- d. **restriction of processing** (i.e. stopping data operations or not deleting data – as requested – Article 18 GDPR);
- e. **object to the processing of data** in the cases specified in Article 21 of the GDPR, which means that – notwithstanding the rights mentioned herein – the Applicant may object to the processing of personal data at any time if the basis for the use of the data is the legitimate interest of the Data Controller. In such a circumstance, once the Applicant's objection has been considered, the Data Controller will no longer be able to process the Applicant's personal data included in the objection, unless the Data Controller can demonstrate the existence of valid legitimate purposes for the processing.
- f. **data portability** as set out in Article 20 of the GDPR, which means that the Applicant has the right to request that their data be sent directly to another controller if technically possible.
- g. **withdrawal of consent** at any time without affecting the lawfulness of the processing carried out based on consent before its withdrawal (where processing is carried out on the basis of Article 6(1)(a) or Article 9(2)(a) of the GDPR).
- h. **lodge a complaint with a supervisory authority** – should the Applicant consider that the processing of data is in breach of the GDPR. The competent authority is the President of the Personal Data Protection Office.

Annex 2

Museum objects and archive records image provision price list

No.	Activity	Object characteristics	Purpose	Fee/ gross	VAT rate
1	Taking a photograph; granting a licence to use the digital image of a museum object; 300 dpi/tiff	small objects that do not require any conservation work or assistance during the shoot	non-commercial	PLN 50	23%
			commercial	PLN 200	23%
2	Making a scan/photograph and granting a license to use the digital image of an archive record; 300 dpi/tiff	Flat documents (two-dimensional) up to A4 format, digitised with a scanner	non-commercial	PLN 10	23%
			commercial	PLN 80	23%
		Flat documents (two-dimensional) from A4 format, three-dimensional documents, digitised in a photography studio	non-commercial	PLN 50	23%
			commercial	PLN 200	23%
3	Taking a photograph; granting a licence to use the digital image of a museum object; 300 dpi/tiff	large objects or those requiring conservation work or assistance during the shoot	non-commercial	PLN 120	23%
			commercial	PLN 400	23%
4	Professional photography or filming of a permanent exhibition	a selected part of the exhibition, under the supervision of a staff member while respecting conservator's recommendations	non-commercial	1 photo PLN 20 1 hour PLN 25	23%
			commercial	1 photo PLN 50 1 hour PLN 100	23%

In justified cases, the Museum may set a reduced fee or waive the fee for providing images.