

RULES FOR SHARING THE IMAGES OF OBJECTS HELD BY THE NATIONAL MUSEUM IN WARSAW

§ 1

Definitions

The following terms used in the Rules shall have the following meaning:

- 1) Researcher – a natural person making a Query or Electronic Query
- 2) Electronic Query – the act of sharing a collection inventory programme containing a database of the Museum's collections with a person interested therein at the person's individual request, taking place at the registered office of the Museum or at one of its branches at a time that is convenient for both parties;
- 3) Query – the act of physically sharing the Museum's collections with a person interested therein at the person's individual request, taking place at the registered office of the Museum or at one of its branches at a time that is convenient for both parties.
- 4) Museum – the National Museum in Warsaw;
- 5) Reuse – the Applicant's use of the Image for commercial or non-commercial purposes other than the original public purpose for which the Image was recorded, in accordance with the rules set out in the Act
- 6) Rules – these Rules for Sharing the Images of Objects Held by the National Museum in Warsaw;
- 7) Act – the Act of 25 February 2016 on Reuse of Public Sector Information (Dz. U. [Polish Journal of Laws] 2018, item 1243, as amended);
- 8) Applicant – an entity requesting that the Image be shared;
- 9) Image – digital reproduction of an object, regardless of the method used to record it, in particular in the form of photographs or a scan;

§2 General rules for sharing Images

1. Everyone shall have the right to request the Museum to share Images in accordance with the principles set out in the Act and in the Rules, with the obligation to bear sole responsibility (in place of the Museum) for respecting the rights of third parties when using an Image shared in this way.

2. The right to reuse Images shall be subject to limitations in the cases indicated in Article 6 of the Act, in particular when the request concerns the Images of objects:
 - a. held by the Museum under a deposit or lending agreement or any other agreement of similar nature where the owners did not grant their consent to the sharing or transfer thereof in whole or to a specified extent;
 - b. in whose case entities other than the Museum may have copyrights and related rights within the meaning of the Act of 4 February 1994 on Copyright and Related Rights (consolidated text: Dz. U. [Polish Journal of Laws] of 2018, item 1191, as amended) in these objects;
 - c. held by the Museum in a situation where entities other than the Museum were the original owner of the proprietary copyrights or related rights and the duration of such rights has not expired.
3. After examining the request, the Museum shall:
 - a. provide public sector information for reuse without specifying the conditions of reuse;
 - b. inform that there are no conditions of reuse where the applicant is in possession of public sector information;
 - c. submit an offer containing the conditions of reuse or information on the amount of fees for reuse;
 - d. refuse, by way of decision, to give consent to the reuse of public sector information.
4. The terms and conditions of sharing the Images for reuse shall be specified separately for each request and provided to the Applicant. In particular, the Museum may specify conditions of reuse which limit use of the Images:
 - a. as part of commercial activity or in specific fields of use if they are connected with collections of a martyrial nature, collections containing the national coat of arms, national colours and the hymn of the Republic of Poland, as well as coats of arms, reproductions of orders, honorary distinctions or badges, military distinctions or badges or other distinctions;
 - b. for the purpose of non-commercial activity if they are related to objects claimed by third parties or not owned by the Museum.
5. An Applicant who has received the offer referred to in section 3(3) may object within 14 days from the date of receipt of the offer due to a breach of the

provisions of the Act or notify the Museum of their acceptance of the offer.

Failure to notify of the Applicant's acceptance of the offer within 14 days from the receipt of the offer shall be understood as withdrawal of the request.

6. In the event of receipt of the objection referred to in section 5 above, the Museum shall decide on the conditions of reuse or the amount of fees for reuse.
7. The Museum shall refuse to give its consent to the sharing of an Image in the cases referred to in section 2 above. The Museum may refuse to share an Image if creation, preparation or transfer thereof in a manner consistent with the Applicant's request would result in the need for disproportionate actions beyond simple activities. The refusal to share an Image shall be made by way of a decision.
8. The Applicant shall not have the right to use the Images of objects covered by copyright in a manner different from the one specified in the request for reuse of an image and may not waive this right to third parties for a fee or free of charge.

§ 3

Request for sharing of an image

1. Request for sharing of an image shall be submitted via email to foto@mnw.art.pl, in person or by post to the address of the registered office of the Museum, i.e. Aleje Jerozolimskie 3, 00 495 Warszawa, Poland. A model request is attached as Appendix 1 to the Rules.
2. In the event of failure to meet the formal conditions of the request (failure to fill in the required fields), the Museum shall call upon the Applicant to complete the formal shortcomings of the request and inform that failure to remove them within 7 days from the date of receipt of the call shall result in the request being left unexamined.
3. Requests shall be handled immediately, not later than within 14 days following receipt thereof.
4. If a request cannot be examined within this period, the Museum shall notify the Applicant of the reasons for the delay within 14 days from the date it received the request and of the time frame within which the request shall be examined, with

the time frame being no longer than 2 months from the date of submission thereof.

§4 Conditions of sharing

1. . As regards the Images of objects covered by proprietary copyrights, the Museum shall grant non-exclusive licences for a specified period of no more than 5 years. Licences shall be granted in specific fields of use, in accordance with the rights vested in the Museum and the Museum's decision. Further reuse of an Image after the license period has expired or in a field of use other than the one originally specified shall require submission of a new request for use of the Image.
2. As regards Images of objects which are in the public domain or Images of objects which do not constitute a work, the Museum shall not impose any detailed conditions for the use of the Images. Further reuse of the Images of objects which are in the public domain shall not require that a request be submitted with the Museum for the further reuse of public sector information. As regards the Images of objects covered by proprietary copyrights, the Museum shall grant non-exclusive licences for a specified period of no more than 5 years. Licences shall be granted in specific fields of use, in accordance with the rights vested in the Museum. Further reuse of an Image after the license period has expired or in a field of use other than the one originally specified shall require submission of a new request for use of the Image.
3. The Museum shall not share raw files, i.e. files which have not been subjected to graphic processing.

§5 Price list and charges

1. Subject to the reservations under this section, Images shall be shared free of charge.
2. In the event that the quality of the Image shared with the Applicant should be insufficient or in the absence of a digital photograph, the Applicant shall have the ability to order new Images for which the Museum may charge fees as specified in Appendix 2 to these Rules.

3. In the event of an obligation to pay a fee for sharing Images, the Applicant shall comply with the provisions of § 2(3)(3) and § 2(3) of the Rules. In the event of the Applicant's acceptance of the offer referred to in § 2(3)(3) of the Rules, the Applicant shall pay the fee within 7 days from the date of acceptance of the offer at the latest. Failure to pay the fee within the time limit set out in the preceding sentence shall be understood as withdrawal of the request.
4. The Museum may create Images at a special request of the Applicant. In such a case, a separate agreement shall be concluded between the Applicant and the Museum, specifying, among other things, the cost of creation of the Images and the conditions of sharing them (fields of use, term of the agreement, costs of sharing).

§6 Sharing of an image during a Query or an Electronic Query

1. During a Query or Electronic Query, Researchers may create images of the objects shared with them in line with the terms and conditions agreed with a Museum employee (in particular without using flash).
2. If the shared objects are subject to copyright protection, Researchers may only use the images for permitted personal use in line with the principles set out in the Act of 4 February 1994 on Copyright and Related Rights (consolidated text: Dz. U. [Polish Journal of Laws] of 2018, item 1191, as amended). Other use of the images may only take place once the Researcher has obtained consent of the copyright holder. The Museum shall not be liable for the Researchers' use of the images they created on their own.

§7 Final provisions

1. The Applicant's personal data, the provision of which is mandatory when filling in a request, may be processed by the Museum solely for the purpose of fulfilment of the placed order, which shall include issuing the invoice and financial reporting. Submission of a request shall imply consent to the processing by the Museum of the personal data contained in the request.
2. The information clause concerning the processing of the Applicant's personal data by the Museum shall be included in the request.

3. The provisions of these Rules shall apply accordingly to sharing the Images of objects other than those held by the Museum (e.g. historical deposits) and documentation of events in whose case the Museum holds the right to share.

**REQUEST
FOR THE SHARING OF IMAGES OF OBJECTS
HELD BY THE NATIONAL MUSEUM IN WARSAW**

Full name / Name of the institution			
Contact (phone/email/address):			
Purpose of sharing e.g. title and date of an exhibition; author and title of a publication/ publishing house/ print run; title of a scientific paper; other			
Method of receipt:	Electronic communication tools <input type="checkbox"/>	Own carrier – receipt in person <input type="checkbox"/>	
Data format	JPG <input type="checkbox"/>	TIFF <input type="checkbox"/>	
<u>Please fill in the table below for the purpose of request fulfilment</u> <u>The fields marked with an asterisk (*) are mandatory</u> <u>Provision of the inventory number will accelerate fulfilment of the request</u>			
No.	Inventory number/ call number	Name/title*	Creator*
1.			
2.			
3.			
<i>Having familiarised myself with the information clause, I hereby declare that I agree to the processing of my</i>			

personal data by the National Museum in Warsaw for the purpose of examining this application and performing the activities covered thereby.

.....
(signature and date)

Information clause

1. The controller of your personal data shall be the National Museum in Warsaw, Aleje Jerozolimskie 3, 00-495 Warszawa, Poland, entered into the Register of Cultural Institutions maintained by the Minister of Culture and National Heritage under RIK number 23/92, hereinafter referred to as the “**Museum**”. It may be contacted in the following way:
 - a) by post: to the address of the registered office of the Museum
 - b) by email: iodo@mnw.art.pl
2. Pursuant to Article 37(1) of the GDPR¹, the Director of the Museum has appointed a data protection officer. Data subjects may contact the data protection officer in all matters related to the processing of their personal data and exercise of the rights vested in them under the GDPR.
3. The Museum shall process your personal data for the purpose of fulfilment of the request for the sharing of the image of an object in accordance with the applicable provisions of law.
4. Your personal data shall be processed under the following provisions:
 - Article 6(1)(a) of the GDPR based on your consent, which may be withdrawn at any time;
 - Article 6(1)(c) of the GDPR for the purpose of discharging legal obligations imposed on the Museum by the provisions of law, in particular by the Act of 25 February 2016 on Reuse of Public Sector Information (Dz. U. [Polish Journal of Laws] of 2016, item 352)
 - Article 6(1)(f) of the GDPR for the purpose of the legitimate interests pursued by the Museum, including in particular: (i) exercise or defence of the Museum’s legal claims.
5. The recipients of your personal data may include public administration bodies authorised to obtain data pursuant to the generally applicable provisions of law. The potential categories of recipients are supervisory bodies (Minister of Culture and National Heritage) and tax authorities (Tax Office).
6. Your personal data shall be stored for a period laid down in provisions of law which is necessary for the purpose of storage thereof.
7. You shall have the following rights in connection with the processing of your personal data:
 - a) the right to access your data and obtain a copy thereof,
 - b) the right to rectify (correct) your data,
 - c) the right to erase your personal data if the processing of the data is not performed for the purpose of discharging an obligation resulting from the provisions of law or as part of exercise of public authority,

¹ GDPR – 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) (OJ L 119, 04.05.2016, p. 1)

- d) the right to restrict the processing of your data,
 - e) the right to transmit your data,
 - f) the right to lodge a complaint with the President of the Office for Personal Data Protection,
 - g) where the processing is based on consent – the withdrawal of consent at any time shall not affect the lawfulness of processing based on consent before its withdrawal.
8. The provision of personal data shall be voluntary, but necessary for the purpose of request fulfilment.
 9. Your personal data shall not be processed in an automated manner, including in the form of profiling.
 10. Pursuant to Article 21(4) of the GDPR, we would like to inform you that you have the right to object to the processing of your personal data. The objection should be submitted with the data protection officer, whose contact details are indicated in item 2 above. Pursuant to Article 21(1) of the GDPR, when submitting an objection, you should indicate the reasons for the objection related to your specific situation.