

SEBASTIAN GAJEWSKI

**Gloss on the decision of the Provincial Administrative Court in Kielce  
of 29 January 2021, ref. II SA/Ke 1068/20 (critical gloss)**

**Summary**

In its judgment of 29 January 2021, ref. II SA/Ke 1068/20, the Provincial Administrative Court in Kielce held that a request submitted by a councillor under Article 24(2) of the Act on Municipal Self-Government for access to information and materials cannot be treated as a request for access to public information, and that a refusal or failure to act in this respect is not subject to an administrative court review. It is impossible to agree with this position. The information and materials referred to in Art. 24 Clause 2 of the Act on Municipal Self-Government may constitute public information, although this is not necessarily the case. This is clearly supported by their subject matter. Failure to make information and materials available to a councillor under Art. 24 Clause 2 of the Act on Municipal Self-Government may then be subject to judicial review. If the subject matter is public information, inaction in this respect may be challenged by filing a complaint for inaction, as provided for in Art. 3 § 2 Item 8 of the Administrative Court Proceedings Act. In other cases, this may be done by filing a complaint, as provided for in Article 101a of the Act on Municipal Self-Government.

**Keywords:** councillor – public information – right of a councillor to obtain information and materials