Streszczenie rozprawy doktorskiej w języku angielskim

Dissertation summary in English

The subject of the doctoral dissertation is the analysis of the competences of selected public administration bodies in the area of personal data processing from the perspective of the phenomenon of intersecting competences. The aim of the dissertation is to verify the thesis that in the area of personal data processing public administration bodies with intersecting competences have been established, which leads to legal uncertainty. At the same time, there are no legal instruments that can effectively address the negative effects of the phenomenon of cross competences in this area.

In order to verify the above thesis, a number of auxiliary research hypotheses had to be verified. Hence, the first chapter of the dissertation analyses the basic concepts of administrative law, i.e. the concept of a public administration body, the legal form of action of these bodies, their competences and related concepts — jurisdiction, scope of action, task and purpose. Subsequently, the second chapter examines the intersection of the subject scopes of legal acts in the area of personal data processing, taking into account the RODO as the basic legal act in this area, including its broad and vague subject and object scope, as well as EU and national legal acts regulating anti-money laundering and terrorist financing, cyber security, competition law, artificial intelligence and European data spaces, and the Digital Markets Act and the Digital Services Act. The choice of these pieces of legislation as a reference area was justified.

Subsequently, as a result of the demonstration that there is an overlap between the material and personal scopes of legal acts in the reference area, it was advisable, in the third chapter, to characterise the competences of the bodies applying legal acts in this area, starting from the common features of these bodies, through a typology of their competences to the characteristics of selected bodies and their competences at EU level (European Data Protection Board, the Authority for Anti-Money Laundering and Countering the Financing of Terrorism, the European Union Agency for Cybersecurity, the Commission as an EU competition law authority, the High Level Group, European Board for Digital Services, European Council for Data Innovation, European Council for Artificial Intelligence) and at national level (President of the Personal Data Protection Authority, General Inspector of Financial Information, authorities competent for cyber security, President of the Office of Competition and Consumer Protection as an authority of national competition law, authorities competent for the Digital

Services Act, authorities competent for data brokerage services and authorities competent for registration of data altruism organisations, authorities competent for the Data Act, authorities competent for the Artificial Intelligence Act).

The positive verification of the hypothesis of cross-competence of public administration bodies in the reference area made it reasonable to try to formulate a definition of the phenomenon of cross-competence of public administration bodies in the area of personal data processing and its typology. Then, the legal instruments for addressing the negative effects of this phenomenon in the dimension of substantive, systemic and procedural law were examined, demonstrating their limited effectiveness towards addressing the negative effects of this phenomenon. Further, an analysis of these negative effects was made, including a reduction in the effectiveness of the law and an increase in legal uncertainty. The fourth chapter closes with a comparative legal view of the analysed phenomenon from the perspective of the jurisdictions of the Netherlands and the United Kingdom limited to the solutions adopted in these jurisdictions to address the analysed phenomenon.

The fifth chapter was entitled 'Causes of the phenomenon of cross competences of public administration bodies in the area of personal data processing and postulates de lege ferenda'. The inadequacy of the legislator's response to the transformations caused by the digital transformation resulting in regulatory disconnect was identified as the first cause of this phenomenon. The second is the legislator's choice of legislative technique to regulate this area by means of principles, vague terms of a risk-based method to ensure technological neutrality. Another reason is the taxonomic ambiguity regarding the rationale and manner in which a comprehensive branch of law — 'data protection law' — is distinguished. A fourth reason is characterised as the process of Europeanisation of administrative law leading to a complex structure of administrative entities without clear hierarchical relationships between them. The last reason, on the other hand, is the divergent goals set for individual public administration bodies in the area of personal data processing. In the second part of the last chapter four *de lege ferenda* postulates were formulated. The first one is the separation of data law as a distinct comprehensive branch of law. The second postulate is the centralisation of the structure of the application of the GDPR to the largest supervised entities and the establishment of data protection authorities as the competent authorities for the application of legal acts in the area of personal data processing. Another postulate is the introduction of effective instruments of cooperation between administrative entities applying legal acts in the area of personal data processing. The final postulate *de lege ferenda* is the introduction of a legal instrument in a “safe harbour” clause for supervised entities.