Permanent Representation of the Republic of Poland to the European Union

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Brussels, 10th February 2023

Ms Ylva Johansson
Commissioner
for Home Affairs
European Commission

Mr Thierry Breton
Commissioner
for the Internal Market
European Commission


Dear Madam, Dear Mr Commissioner,

Please kindly find enclosed the letter ref. DT.WPKE.701.4.2023 signed by Mr. Pawel Lewandowski, Undersecretary of State in Chancellery of Prime Minister concerning required statistics referred to the Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse.

Rue Stevin 139
1000 Brussels, Belgium
Ms Ylva Johansson
Commissioner for Home Affairs
European Commission

Mr Thierry Breton
Commissioner for Internal Market
European Commission

Dear Commissioners,

I would like to kindly provide you the required statistics referred to the Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse. In fulfilment of obligation under Article 8 of the Regulation 2021/1232, the Republic of Poland submits the following data for the period from 3 August 2021 to 3 August 2022.

The relevant types of reports were submitted, divided by category as follows:

- 1 report of child grooming, incident being a repeat of an incident already reported to the National Police Headquarters in 2019;
- 120 reports of pornographic content involving a minor (divided by type of provider: 94 reports concerning Tor networks/onion sites (of which 10 repeated), 19 reports concerning file hosting services; 4 reports concerning Internet forums; 3 reports concerning websites).

Furthermore, according to the data available to the National Public Prosecutor’s Office, in the period from 3 August 2021 to 3 August 2022, 1,025 criminal proceedings under Article 200a of the Penal Code were registered, including 476 cases where a notification of a crime was registered. This provision concerns electronic contact with a minor for paedophilic purposes. Paragraph 1 of this provision refers to the use of an IT system or a telecommunication network to make contact with a minor with the aim of committing rape, sexual intercourse with a minor or producing pornographic content, with the intent to deceive the minor, while paragraph 2
refers to the situation of using an IT system or a telecommunication network to propose sexual intercourse or to produce pornographic content to a minor. There were 28 convictions under Article 200a paragraph 1 and 157 convictions under paragraph 2 in the timeframe including the second half of 2021 and the first half of 2022.

May the provided data prove useful in determining the extent of crimes related to the online child sexual abuse.

Finally, with regard to the obligation to make the statistics publicly available, I would like to kindly inform you that we would be pleased to receive the assistance offered by the Commission in providing a possibility to publish the statistics.

With kind regards

[Signature]

/signed with a qualified electronic signature/