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Provincial Governor as a Body Responsible for Combating State Security Threats

Wojewoda jako organ właściwy w zakresie zwalczania zagrożeń bezpieczeństwa państwa

ABSTRACT

Security is ensured at different levels of governance in the field, as well as by various administrative authorities, including in the region by the provincial governor (Pol. *wojewoda*). The central-government administration also plays an important role in this regard. The provincial governor is no exception here, as the legislature has entrusted this body with an important mission in this sphere. The counteraction of special threats by the provincial governor is linked to the fact that he is a representative of the Council of Ministers in the region, equipped with important competences in the field of security. The governor implements his policy (including that relating to security) within the area of the province (Pol. *województwo*). His competence to prevent and remove specific risks concerns, i.a., emergencies, crisis management and the state of epidemic threat or the state of epidemic. When taking action in this area, the governor may exercise sovereign powers in certain situations requiring their addressee to conduct in a specific way, whether by act or omission. The purpose of this paper is to characterise the status of

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the provincial governor in the field of security, where the threat is of an aggravated nature. Due to such a defined research objective, it was necessary to analyse the provisions in the field of tasks and competences of the provincial governor when facing extraordinary threats (or the possibility of their emergence).

Keywords: provincial governor; threats; emergency states; crisis management

INTRODUCTION

A substantial part of the security tasks is addressed by the public administration. Depending on the capabilities of this administration, the performance of certain tasks related to ensuring security involves action of the central administration. However, if the local administration is able to manage a given threat, it should carry out the tasks in this area independently. The provincial governor (Pol. *wojewoda*) has the status of a competent authority also in the field of security, including as a body authorised to counteract extraordinary threats.

The provincial governor is responsible for the implementation of the policy of the Council of Ministers in the region, including in particular: ensuring the cooperation between all central-government and local-government administrative bodies operating in the province, managing their activities in the fields of prevention of threats to life, health or property and threats to the environment, state security and the maintenance of public order, the protection of civil rights, as well as the prevention of natural disasters and other extraordinary threats and the countering and elimination of their effects; assessing the state of flood protection measures in the area of the province, developing an operational flood protection plan, and declaring and revoking flood alerts and alarms; performing and coordinating tasks in the field of state defence and security and crisis management.[1]

[1] Article 22 (2) to (4) of the Act of 23 January 2009 on the provincial governor and central-government administration in the province (consolidated text, Journal of Laws 2023, item 190), hereinafter: AVG. This provision both relates to threats and points to specific goods to be protected against these threats. A broad interpretation of the threat and goods affected by that threat should be adopted here. See M. Karpiuk, *Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 12 lutego 2018 r. (II OSK 2524/17)*, "Studia Iuridica Lublinensia" 2019, vol. 28(1), p. 191. The list of responsibilities of the governor as a representative of the Council of Ministers specified in Article 22 AVG is open-ended. In view of the above, a source of responsibilities that are not listed in the provision may also be special legislation. See M. Ślusarczyk, [in:] *Ustawa o wojewodzie i administracji rządowej w województwie. Komentarz*, eds. P. Drembkowski, M. Ślusarczyk, Warszawa 2022, p. 98. As regards governor's responsibilities, see also P. Niessner, *Zespolenie wojewódzkiej administracji rządowej. Zarys problemu*, [in:] *Instytucje współczesnego prawa administracyjnego. Księga jubileuszowa Profesora zw. dra hab. Józefa Filipka*, eds. I. Skrzydło-Niżnik, P. Dobosz, D. Dąbek, M. Smaga, Kraków 2001, p. 493; M. Pacak, K. Zmorek, *Ustawa o wojewodzie i administracji rządowej w województwie. Komentarz*, LEX/el. 2013, commentary on Article 22; E. Ura, *Kształtowanie się pozycji prawnej i funkcji wojewody na przestrzeni lat*, "Studia Prawa Publicznego" 2023, no. 1, pp. 26–27.

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The paper aims to characterise the status of the provincial governor in the field of security when the threat is of an aggravated nature. Due to the aim so defined, it is important to analyse the provisions that regulate matters relating to the tasks and competences of the provincial governor in the event of extraordinary threats (or the possibility of emergence) requiring specific measures to be taken at regional level. Due to the nature of the study, the legal-dogmatic method and the legal-theoretical method were used. The legal-dogmatic method allowed for the analysis of existing legal provisions, especially statutory ones, defining the status of the provincial governor as the competent authority for the prevention of specific threats occurring in the region area. Applying the legal-theoretical method, an assessment was made of actions that may be undertaken by a representative of the Council of Ministers in the region to prevent emergency situations or remedy their effects. Issues related to extraordinary threats are studied by, among others, Małgorzata Czuryk, Jarosław Dobkowski and Elżbieta Ura.

STATUS OF THE PROVINCIAL GOVERNOR AND THREATS OF A SPECIAL NATURE

The status of the provincial governor in the sphere of security is determined by the laws that govern its various fields, including laws on states of emergency. The governor performs tasks in this area directly or through subordinate services, and is also competent for the coordination of actions regarding overcoming extraordinary threats performed by individual entities, including the local government.

According to Article 25 (1) AVG, the provincial governor may issue instructions applicable to all central-government authorities operating in the area of the province, and in emergency situations also to local-government authorities. The provincial governor shall immediately notify the competent minister of the instructions issued. Emergency situations include situations putting at risk human life, health or property, the environment, state security and public order, the protection of civil rights, situations of natural disasters or crises.[2]

Extraordinary threats are threats that imply the declaration of martial law. In the case of an external threat to the state (actions aimed against independence, territorial integrity, important economic interests of the country or which aim at preventing or seriously disrupting the normal functioning of the state), an armed attack on the territory of Poland, the martial law may be declared for a part or on the entire

[2] See W. Śniecikowski, A. Śniecikowska, *Relacje prawne między wojewodą a organami samorządu gminnego w sytuacjach nadzwyczajnych. Wybrane zagadnienia administracyjno-prawne*, "Gdańskie Studia Prawnicze" 2015, vol. 34, p. 253.

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territory of the State.[3] States of emergency are declared in urgent cases and in the case of serious threats to the functioning of the state, in order to counteract them and protect the common good.[4]

The legal status of the provincial governor during martial law is set out in Article 13 AML. The governor manages the implementation of defence-related tasks and civil defence tasks in the region, including in particular: 1) assesses the threats; 2) imposes, to the extent that it does not fall within the competence of other bodies, restrictions on human and civil freedoms and rights, and mitigates and revokes those restrictions; 3) requests the competent authorities to impose restrictions on human and civil freedoms and rights, as well as to mitigate or repeal them; 4) coordinates and inspects the activities of public authorities, undertakings and other organizational units that operate within the region; 5) may assign tasks and order local authorities to make certain expenditure, in accordance with the rules laid down in the separate rules. For the implementation of these activities, all organizational units of the central government and local government administration operating in the area of the province and other forces and resources assigned for governor's disposal and deployed to carry out tasks related to the defence of the state and the province, as well as related to civil defence, are subordinated to the provincial governor.

The provincial governor is also competent in the field of military security and is obliged by the legislature to counteract specific threats aimed at the defence system. The implementation of tasks in the field of state defence is the responsibility of all central-government authorities and administration bodies and other state bodies and institutions, local government bodies, undertakings, non-governmental organizations and other entities, as well as of every citizen to the extent specified in the laws.[5] Tasks in the field of state defence are also performed by the provincial governor who, according to Article 30 (2) HDA, manages defence matters, including in particular: 1) determines detailed directions of action for heads of integrated-administration services, inspections and guards, non-integrated administration bodies and local government units in the implementation of defence tasks; 2) manages the implementation of projects related to increasing the state defence readiness carried out by provincial marshals, district (county) heads, mayors (village mayors, town mayors, city presidents), undertakings and other organizational units and NGOs based in the

[3] Article 2 (1) of the Act of 29 August 2002 on martial law and the competences of the General Commander of the Armed Forces and the rules of its subordination to the constitutional bodies of the Republic of Poland (consolidated text, Journal of Laws 2022, item 2091), hereinafter: AML.

[4] M. Czuryk, *Podstawy prawne bezpieczeństwa narodowego w stanie kryzysu i wojny*, "Roczniki Nauk Społecznych" 2013, vol. 3, p. 69. Security is a sphere of importance for the State and society and should be considered common good. See eadem, *Bezpieczeństwo jako dobro wspólne*, "Zeszyty Naukowe KUL" 2018, no. 3, p. 15.

[5] Article 7 of the Act of 11 March 2022 on Homeland defence (consolidated text, Journal of Laws 2022, item 2305, as amended), hereinafter: HDA.

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area of the province; 3) coordinates projects necessary to secure the mobilization of military units and the performance of services for the defence system; 4) manages the implementation of projects related to the preparation of command positions for locally-based bodies; 5) organizes the use of local resources and funds for the needs of the state defence and the province area, including the protection of population and material and cultural assets against means of warfare, as well as helping the victims; 6) checks and evaluates the performance of defence-related tasks by other authorities, entities, undertakings, relevant organizational units and organizations; 7) organizes public education on defence preparation and runs training and exercises.[6] The tasks listed in Article 30 HDA are largely preventive in nature, the legislature obliges the provincial governor to take actions related to counteracting threats, including those of a special nature, which is directly related to military security protection.

Due to the nature of military security, the legislature determines the manner of performing tasks under the defence duty by the provincial governor, taking into account the need to ensure an adequate level of state defence. The performance of defence tasks covers: 1) creating organizational conditions for the planning and implementation of defence tasks; 2) coordinating the planning and implementation of defence tasks; 3) cooperation of public administration bodies, undertakings, other organizational units and non-governmental organizations in the planning and implementation of defence tasks; 4) cooperation of public administration bodies with the local executive bodies of the Minister of National Defence in the planning and implementation of defence tasks; 5) cooperation of public administration bodies with healthcare entities supervised by the Minister of National Defence in the planning and implementation of defence tasks in the area of medical protection of the Armed Forces of the Republic of Poland and allied forces; 6) ensuring conditions for the transfer of information and decisions regarding the planning and implementation of defence tasks at all levels of public administration. In performing defence tasks, the provincial governor takes into account the defence needs of the state, including in particular: 1) maintaining, reconstruction and modernization of the state defence system, including the Armed Forces of the Republic of Poland; 2) preparing subordinate or supervised organizational units to perform defence tasks assigned to them in individual national defence readiness states; 3) preparation for the uninterrupted functioning of public administration bodies, undertakings, other organizational units and non-governmental organizations and support for the Polish Armed Forces and allied troops in individual national defence readiness states; 4) preparing the population and the conditions of its protection in case of war. The coordination of planning and implementation of defence tasks by the provincial governor involves synchronizing the activities performed in the province area by:

[6] See also H. Królikowski, [in:] *Obrona Ojczyzny. Komentarz*, ed. H. Królikowski, LEX/el. 2023, commentary on Article 30.

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1) heads of organizational units subordinate to and supervised by the governor; 2) undertakings for whom the provincial governor is the founding body; 3) district heads (Pol. *starosta*) and presidents of cities with district (Pol. *powiat*) rights; 4) undertakings which are not organizational units subordinate to or supervised by ministers; 5) governing bodies of non-governmental organizations.[7]

The Polish legislature provides that in a situation of a particular threat to the constitutional system of the state, security of citizens or public order, including that caused by acts of a terrorist nature or acts committed in cyberspace, which cannot be remedied by the use of ordinary constitutional means, the Council of Ministers may adopt a resolution to address a request to the President of the Republic of Poland to introduce a state of emergency.[8]

An exceptional threat can therefore also result in a state of emergency. Where preventive censorship of press materials or inspection of the content of mailing, letters, parcels and messages sent through postal services has been introduced, with the function of censorship and inspection bodies being performed by the competent provincial governors who may order the public authorities operating in the area of the province to perform the technical activities necessary for censorship or inspection. The status of the provincial governor in this respect stems from Article 20 (2) ASE.

Restrictions on human and civil liberties and rights during a state of emergency are imposed on the basis of Article 22 ASE by, among others, the provincial governor by means of a regulation (if the state of emergency has been introduced on the territory of one province or a part thereof). In the regulation, the provincial governor specifies the detailed manner and means, as well as the territorial, subjective and objective scope of introducing and applying restrictions on human and civil liberties and rights, but still having in mind, to the extent possible, minimising individual and social nuisance resulting from the application of such restrictions. Restrictions on the exercise of constitutional freedoms and rights, including those introduced due to the need to ensure security in cyberspace, must not go too far so as not to lead to a violation of human dignity. The drastic nature of the restrictions, which is inadequate to the objective to be achieved through them, may lead to a violation of human dignity, with each case of restriction of individual freedoms and rights to be treated on a case-by-case basis, taking into account each circumstance.[9]

[7] §§ 1–4 of the Regulation of the Council of Ministers of 21 April 2022 on the manner of performing tasks under the defence duty (Journal of Laws 2022, item 875).

[8] Article 2 (1) of the Act of 21 June 2002 on the state of emergency (consolidated text, Journal of Laws 2017, item 1921), hereinafter: ASE.

[9] M. Czuryk, *Restrictions on the Exercising of Human and Civil Rights and Freedoms Due to Cybersecurity Issues*, "Studia Iuridica Lublinensia" 2022, vol. 31(3), p. 32. Article 31 (3) of the Polish Constitution sets out general conditions allowing for introducing a restriction on the exercise of constitutional freedoms and rights. According to that provision, they may be established only by law and only where they are necessary in a democratic State for the purpose of ensuring its security

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Extraordinary threats are also those causing a disaster, which the legislature defines as a natural disaster or a technical failure, the effects of which endanger the life or health of a large number of people, property in large scale or the environment in significant areas, and assistance and protection can only be effectively undertaken by extraordinary measures, in cooperation between different bodies and institutions and specialist services and formations operating under one management.[10] It should be stressed, however, that even the threats which may involve a large number of persons or a large area will not always justify the introduction of a state of natural disasters where they can be effectively tackled through normal measures, the introduction of this state of emergency is unacceptable.

A natural disaster or a technical failure, according to Article 3 (2) ASND, may also be caused by events occurring in cyberspace, therefore a natural disaster may be the result of a cybersecurity incident. The cybersecurity risk as an emergency threat will more often lead to technical failures rather than natural disasters. Natural disasters are linked to operation of natural forces, but they can also be caused by cyberattacks (e.g. fires, floods). As a technical failure, Article 3 (1) (3) ASND understands the rapid, unforeseen damage or destruction of a building, technical equipment or a system of technical devices which results in the interruption of their use or loss of their properties. Unauthorised interference by the use of cyberspace in a technical device or system of such devices may give rise to an extraordinary threat.

A state of danger, such as a state of natural disaster, does not entitle public entities to freely exercise administrative authority. Counteracting the effects of a natural disaster in a democratic state ruled by law cannot be an objective pursued by sacrificing other values.[11] Due to the interferential nature of the measures used during emergencies, public administration bodies, including the provincial governor, must act in proportion to the threat, these measures must not be excessively burdensome for their addressees.

If a state of natural disaster has been introduced in the area of more than one district (Pol. *powiat*) within the province, then – as follows from Article 8 (3)

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or public order, and where they are necessary for the protection of the environment, health and public morality, or the freedoms and rights of others, and such restrictions may not affect the essence of freedoms and rights.

[10] Article 3 (1) of the Act of 18 April 2002 on the state of natural disaster (consolidated text, Journal of Laws 2017, item 1897, as amended), hereinafter: ASND. See also I. Niżnik-Dobosz, *Prawo administracyjne i jego obszary specjalne wobec szczególnie kwalifikowanych stanów faktycznych*, [in:] *Funkcjonowanie administracji publicznej w okresie pandemii COVID-19*, ed. E. Ura, Rzeszów 2022, p. 121; M. Czuryk, *Zadania organów jednostek samorządu terytorialnego w stanie klęski żywiołowej*, "Zeszyty Naukowe AON" 2009, no. 3, p. 405; I. Hoffman, J. Kostrubiec, *Political Freedoms and Rights in Relation to the COVID-19 Pandemic in Poland and Hungary in a Comparative Legal Perspective*, "Bialystok Legal Studies" 2022, vol. 27(2), pp. 36–37.

[11] M. Czuryk, *Activities of the Local Government During a State of Natural Disaster*, "Studia Iuridica Lublinensia" 2021, vol. 30(4), p. 122.

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ASND – during such an emergency state, actions carried out to prevent the effects of a natural disaster or to remedy them are directed by the provincial governor. As part of such actions, according to Article 11 ASND, bodies and organizational units of the central government administration and provincial government operating in the region and other forces and resources assigned to the provincial governor and directed to perform these actions in the region, including subdivisions and branches of the Armed Forces of the Republic of Poland, are subordinated to the provincial governor. With regard to managing actions carried out to prevent the effects of a natural disaster or to remedy them (if a state of natural disaster was introduced in more than one province), the provincial governor reports to a competent minister, who in the event of inability to direct or improperly direct the actions carried out in order to prevent the effects of a natural disaster or to remedy them by the provincial governor, may suspend the powers of the representative of the Council of Ministers in the region and appoint a representative to manage these activities.

Emergencies include also crisis situations, defined as situations that adversely affect the level of security of people, large-scale property or the environment. They cause significant limitations in the operation of relevant public administration bodies, which do not have adequate forces and resources to manage the threat.[12] The prevention of emergency situations and the combating and elimination of their consequences also fall within the competence of the provincial governor.

The responsibilities of the provincial governor in matters of crisis management are defined in Article 14 ACM, including: 1) managing the monitoring, planning, response and remedying of the effects of threats in the area of the province; 2) performing tasks in the scope of civil planning, including: a) issuing to district heads recommendations on district crisis management plans, b) approving district crisis management plans, c) preparing and submitting for approval to the minister competent for public administration the regional crisis management plan, d) implementing guidelines for regional crisis management plans; 3) managing, organizing and conducting training courses on crisis management; 4) applying for the use of subunits or units of the Armed Forces of the Republic of Poland for crisis management tasks and *ad hoc* task groups for sanitary shooting of animals; 5) applying for the use of the Police, Border Guard or State Fire Service in sanitary shooting of animals; 6) implementing projects resulting from planning documents implemented as part of operational planning implemented in the province; 7) preventing, counteracting and eliminating the effects of terrorist events; 8) cooperating with the Head of the Internal Security Agency in the field of

[12] Article 3 (1) of the Act of 26 April 2007 on crisis management (consolidated text, Journal of Laws 2023, item 122), hereinafter: ACM. For the issue of risks that cause crisis situations, see M. Karpiuk, T. Włodek, *Wygaśnięcie mandatu wójta na skutek skazania na karę grzywny za niedopełnienie obowiązków z zakresu zarządzania kryzysowego. Glosa do wyroku Sądu Rejonowego w P. z dnia 18 kwietnia 2019 r. (II K 1164/14)*, "Studia Iuridica Lublinensia" 2020, vol. 29(1).

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prevention, counteracting and eliminating the effects of terrorist events; 9) organization of the performance of critical infrastructure protection tasks.[13] Therefore, the provincial governor will be competent to ensure the functioning and restoration of critical infrastructure. For the sake of the proper functioning of public institutions and private entities, or the security of citizens and the need to ensure an adequate standard of living, it is important to effectively protect critical infrastructure responsible for strategic sectors (public and economic). Effective protection of this infrastructure also means securing against cyber threats the ICT systems used for its operation.[14]

The mission of management in crisis situations is to protect the public, its property, infrastructure, integration and coordination of all systems operating within it. It involves building, sustaining and improving the capacity of these systems to prevent, prepare, respond and rebuild in the event of extraordinary threats.[15] Such a mission was also set for the provincial governor.

The provincial governor is the public administration authority responsible for security matters at the level of the province (Pol. *województwo*), i.e. a fundamental territorial unit of the state with a large area and of great administrative importance, and must therefore be equipped with adequate forces and resources, adequate to the threat that may arise in the area of the province. However, the provincial governor should act in cooperation, not only with other public entities, but also with social organizations. In view of the principle of decentralisation applied in Poland, the provincial governor takes appropriate action when a threat cannot be dealt with by the local government, which is located closest to the citizens and is familiar with the specifics of the community it represents and which can respond to the threat most rapidly, as long as it does not exceed its capabilities.

In order to ensure the effectiveness of measures aimed at protection of public health against infections and infectious diseases, the provincial governor shall draw up a regional epidemic action plan, which is to include the following elements: 1) characterisation of potential life or health risks that may occur in the area of the province, including an analysis of the risk of infections and infectious diseases in humans; 2) the list and distribution in the province area of the healthcare facility of a healthcare provider and other public facilities which may be intended for the treatment, isolation or quarantine; 3) the number of people who may be treated, isolated or quarantined in the healthcare facility of a healthcare provider and other

[13] See M. Karpiuk, *Właściwość wojewody w zakresie zapewnienia bezpieczeństwa i porządku publicznego oraz zapobiegania zagrożeniu życia i zdrowia*, "Zeszyty Naukowe KUL" 2018, no. 2, pp. 231–233.

[14] M. Czuryk, *Cybersecurity and Protection of Critical Infrastructure*, "Studia Iuridica Lublinensia" 2023, vol. 32(5), p. 50.

[15] S. Lipski, *Kryzys – zagrożenia państwa i społeczeństwa. Wizja, misja i zasady zarządzania w sytuacjach kryzysowych*, [in:] *Służby i formacje mundurowe w systemie bezpieczeństwa wewnętrznego Rzeczypospolitej Polskiej*, eds. E. Ura, S. Pieprzny, Rzeszów 2010, p. 103.

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public facilities; 4) the names of persons who may be assigned to act to protect public health against infections and infectious diseases; 5) other information intended to protect public health and necessary for drawing up the plan. This plan shall be prepared and updated on the basis of information obtained from local authorities, medical entities and other holders of public utilities.[16]

The provincial governor, by means of a regulation, at the request of the regional health inspector, pursuant to Article 46 APCIID, declares and revokes a state of epidemiological threat or a state of epidemic in the province or part of it. The regulation by which the provincial governor declares a state of epidemiological threat or a state of epidemic is a regulation which should take into account the pathways of spreading infections and infectious diseases and the epidemic situation in the area for which the state of epidemiological threat or the state of epidemic has been declared. The introduction of such states is linked to the prevention and eradication of extraordinary threats by the provincial governor. Acting for this purpose, he may also, on the basis of Article 47 APCIID, issue a decision to assign to work in combating the epidemic in the region where the person concerned has their place of residence or employment – employees of healthcare providers, medical professionals and persons with whom contracts have been signed for the provision of health services.

The provincial governor had important powers to counteract the specific risks associated with COVID-19. During the period of a state of epidemiological threat or a state of epidemic declared due to COVID-19, and within 3 months after its cancellation, the provincial governor was allowed to issue instructions applicable to all central-government administration bodies operating in the province, state legal entities, local-government bodies, local-government legal entities and local-government organizational units without legal personality. The provincial governor was obliged to inform the competent minister immediately of the instructions issued. Those instructions were issued in the context of the prevention of COVID-19 by way of an administrative decision and were immediately implemented upon service or publication and did not require any substantiation. They could be revoked or amended if the social interest or legitimate interest of the party are in favour of doing so. Their repeal or amendment did not require the consent of the parties.[17]

The search for new solutions in the fight against epidemics has resulted in regulations that move away from passive safeguards and are based on a strategy of active prevention by possible early detection and elimination of threats before

[16] Article 44 of the Act of 5 December 2008 on the prevention and control of infections and infectious diseases in humans (consolidated text, Journal of Laws 2023, item 1284, as amended), hereinafter: APCIID.

[17] Article 11h of the Act of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and crisis situations caused by them and some other acts (consolidated text, Journal of Laws 2023, item 1327, as amended).

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they become a large-scale threat.[18] It is also important to prepare the public to undertake their own pro-health measures. Education in this area is marginalised and prevention is unsatisfactorily carried out. Raising awareness of the importance of such actions among those entrusted with managing health security should result in a change in the approach to combating extraordinary threats to health security.[19]

The provincial governor (as a central-government administration body) is also an entity forming the national cybersecurity system, the aim of which is to ensure an adequate level of security of information systems for the provision of services (including those of strategic importance to the state), as well as to ensure the handling of incidents.[20] The public sector is a very important factor in effectively meeting social needs at different levels, both in terms of local, regional and national communities.[21] The legislature defines cybersecurity in Article 2 (4) ANCS as the resilience of information systems to activities that violate confidentiality, integrity, accessibility and authenticity of the data processed or related services offered by these systems.[22] Due to the fact that cyberspace is mainly based on technical devices, their relationships and links, as well as phenomena occurring in the digital reality, attacks committed in cyberspace are targeted at devices that are a kind of connection between people and the digital world.[23]

Not every incident will be of an emergency nature. Only some of them will be accompanied by extraordinary threats, and these may include: critical incidents

[18] M. Janik, *Adaptacja organizacji publicznych do ekstremalnych zdarzeń*, [in:] *Funkcjonowanie administracji publicznej…*, p. 230.

[19] T. Płusa, *Bezpieczeństwo zdrowotne a promocja zdrowia*, [in:] *Dylematy bezpieczeństwa współczesnego państwa. Księga jubileuszowa dedykowana Profesorowi Kazimierzowi Rajchelowi*, eds. M. Polinceusz, M. Pomykała, Rzeszów 2015, p. 377.

[20] Act of 5 July 2018 on the national cybersecurity system (consolidated text, Journal of Laws 2023, item 913, as amended), hereinafter: ANCS.

[21] M. Karpiuk, C. Melchior, U. Soler, *Cybersecurity Management in the Public Service Sector*, "Prawo i Więź" 2023, no. 4, p. 8.

[22] As regards the definition of cybersecurity, see M. Czuryk, *Cybersecurity as a Premise to Introduce a State of Exception*, "Cybersecurity and Law" 2021, vol. 6(2), pp. 87–88; A. Pieczywok, *Cyberspace as a Source of Dehumanization of the Human Being*, "Cybersecurity and Law" 2023, vol. 9(1), pp. 41–42; I. Hoffman, M. Karpiuk, *E-administration in Polish and Hungarian Municipalities – a Comparative Analysis of the Regulatory Issues*, "Lex localis – Journal of Local Self-Government" 2022, vol. 20(3), pp. 628–629; M. Czuryk, *Supporting the Development of Telecommunications Services and Networks through Local and Regional Government Bodies, and Cybersecurity*, "Cybersecurity and Law" 2019, vol. 2(2), p. 41; T. Zdzikot, *The Role of the State and Public Administration in the Cybersecurity System*, [in:] *The Role of Cybersecurity in the Public Sphere – the European Dimension*, eds. K. Chałubińska-Jentkiewicz, I. Hoffman, Maribor 2022, p. 40; M. Czuryk, *Special Rules of Remuneration for Individuals Performing Cybersecurity Tasks*, "Cybersecurity and Law" 2022, vol. 8(2), p. 106.

[23] M. Marczyk, G. Pilarski, *Internet rzeczy i jego wykorzystanie w cyberprzestrzeni jako nowym środowisku walki*, [in:] *Działania hybrydowe a bezpieczeństwo sieci i systemów teleinformatycznych w SZ RP – wybrane aspekty*, eds. M. Marczyk, M. Stolarz, B. Terebiński, Warszawa 2021, pp. 311–312.

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(resulting in significant damage to public security or order, international interests, economic interests, operation of public institutions, civil rights and freedoms or human life and health – Article 2 (6) ANCS), major incidents (causing or likely to cause a serious deterioration in quality or interruption of the continuity of a key service – Article 2 (7) ANCS[24]), significant incidents (having a significant impact on the provision of a digital service – Article 2 (8) ANCS[25]). It should be stated, however, that the legislation does not confer on the provincial governor any specific competences related to ensuring security in cyberspace, although it grants them the status of a national cybersecurity system entity.

Cyber threats form an integral part of the world of information and related ICT systems. Broadly understood digitization of societies also exposes them to new, unknown and still progressing threats following the process of digitization. Widespread and unrestricted access to information technologies significantly improves contacts within society and facilitates everyday life but, unfortunately, this globalization also brings anonymity, so strongly associated with the environment of cyberspace.[26] Therefore, the lawmakers should consider equipping the provincial governor with larger powers related to counteracting cyber threats, which may already today constitute a prerequisite for the introduction of martial law, state of emergency or state of natural disaster, and may also result in the activation of mechanisms appropriate for crisis management.

CONCLUSIONS

Ensuring security is of paramount importance, not only for meeting social needs, but also in terms of guaranteeing the streamlined and uninterrupted functioning of public institutions.[27] Threat prevention, combating and elimination, including threats of an extraordinary nature, is to ensure such a state. Security is ensured at all

[24] Not only are key services of fundamental importance for the social and economic activities but also are indispensable for the maintenance of critical infrastructure security. Due to their paramount importance, it is necessary to secure an appropriate protection for them. See M. Karpiuk, *Recognising an Entity as an Operator of Essential Services and Providing Cybersecurity at the National Level*, "Prawo i Więź" 2022, no. 4, p. 178.

[25] In a country that relies decisively on electronic systems where digital services are widespread, cybersecurity is of particular importance, as it not only enables undistorted communication, but also enables better protection of strategic sectors of the economy, so that many tasks (including public ones) are carried out more efficiently. See idem, *The Legal Status of Digital Service Providers in the Sphere of Cybersecurity*, "Studia Iuridica Lublinensia" 2023, vol. 32(2), p. 190.

[26] M. Nakielny, *Wybrane elementy bezpieczeństwa sieci i systemów teleinformatycznych w kontekście cyberzagrożeń*, [in:] *Działania hybrydowe…*, pp. 372–373.

[27] M. Karpiuk, *The Provision of Safety in Water Areas: Legal Issues*, "Studia Iuridica Lublinensia" 2022, vol. 31(1), p. 82.

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levels of territorial divisions of the state, including the province (Pol. *województwo*), where the greatest role in this respect is played by the provincial governor as the organ of central-government administration using the forces and resources at the disposal of this administration.

Security is related to the absence of threats, the smooth functioning of the state and consequently the provision of adequate conditions for the proper functioning of the state and social institutions, as well as the development of society as a whole, including particular groups and individuals.[28] In the field of security thus understood, cooperation between many entities is necessary and such cooperation in the region is to be organized by the provincial governor, coordinating activities in the field of prevention, combating and remedying effects of extraordinary threats and managing such tasks.

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[28] Idem, *Position of the Local Government of Commune Level in the Space of Security and Public Order*, "Studia Iuridica Lublinensia" 2019, vol. 28(2), p. 31.

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ABSTRAKT

Bezpieczeństwo jest zapewnianie na różnych szczeblach zarządzania w terenie oraz przez różne organy administracyjne, w tym również w regionie przez wojewodę. Ważną rolę w tym zakresie pełni także administracja rządowa. Nie jest tutaj wyjątkiem wojewoda, któremu ustawodawca powierzył w tej sferze ważną misję. Przeciwdziałanie szczególnym zagrożeniom przez wojewodę jest związane z faktem, że jest on przedstawicielem Rady Ministrów w terenie, wyposażonym w istotne kompetencje z dziedziny bezpieczeństwa. Realizuje on jej politykę (w tym odnoszącą się też do bezpieczeństwa) na obszarze województwa. Jego właściwość w zakresie zapobiegania zagrożeniom o szczególnym charakterze oraz usuwania ich skutków dotyczy m.in. stanów nadzwyczajnych, zarządzania kryzysowego oraz stanu zagrożenia epidemicznego lub stanu epidemii. W przypadku działania w tym obszarze może on korzystać ze środków władczych w niektórych sytuacjach wymuszających na ich adresacie obowiązek odpowiedniego zachowania się – działania lub zaniechania. Celem artykułu jest

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dokonanie charakterystyki statusu wojewody w sferze bezpieczeństwa w sytuacji, gdy zagrożenie ma charakter kwalifikowany. W związku z tak określonym celem badawczym niezbędna była analiza przepisów w sferze zadań i kompetencji wojewody w przypadku powstania (lub prawdopodobieństwa powstania) nadzwyczajnych zagrożeń.

Słowa kluczowe: wojewoda; zagrożenia; stany nadzwyczajne; zarządzanie kryzysowe

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