



Regional Chamber of Audit
in Wrocław

Principle 8

“Unrestricted access to
documents, records, electronic
data and information alike”

Imposing sanctions for obstructing or
preventing audits

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Legal basis

According to art. 27 of the Regional Chamber of Audit Act of October 7, 1992 (Dz. U. 2012, item 1113, with amendments) (RCA), whoever avoids an audit, especially failing to submit the required documents for a financial audit shall be liable to a fine.



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Characteristics of the act

Persons liable for audit evasion:

Liability for any violation shall be incurred by a person who has a legal duty to allow the audit to be conducted and provide documents, i.e. the director of the audited entity or the person appointed by the director to fulfil these obligations.

Chambers audit the financial management and procurements of:

- local authorities and their associations,
- local government organizational units, including local government legal persons,
- other entities, in the scope of their use of subsidies allocated from local government unit budgets.



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Characteristics of the act

Avoidance may constitute:

- obstructing or allowing conditions which make it difficult or uncomfortable to carry out the audit
- refusal of access to the premises and rooms of the units being audited
- refusing to submit documents
- restricting contact with employees
- avoidance in sharing relevant personal data
- refusal to prepare certificated copies and excerpts of documents essential for the audit



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Characteristics of the act

Legal character of the act:

In the Polish legal system the act or omission is classified not as an offence, but as a violation. Such cases are handled by the court, based on the Violations Procedure Code.

Limits of the fine:

The court shall impose a penalty within the limits prescribed by law. The minimum amount of any fine is 20 PLN, maximum amount is 5,000 PLN.



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Private kindergarten

scope of audit: acquisition and disbursement of grants received from the local authority budget

case: the entity refused to subject itself to an audit

dispute: the right of the Chamber to conduct such an audit

solution: the court ruled that the Chamber had the right to carry out the audit under the RCA; the court imposed a sanction



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Public limited company

audited entity: a company whose 100% shares are owned by the local government

case: the company refused to subject itself to the audit

dispute: understanding of the concept of “other legal persons of the local government”

solution: the court ruled that such a company is classed in the above mentioned category of ‘other legal persons’ and can be the subject of the audit carried out by the Chamber; the court imposed a fine



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Local authorities

1.

scope of audit: the level of indebtedness and compliance with statutory debt limits

case: refusal to submit relevant documents: correction of budget reports, confirmation of bank balances, amendments to loan agreement

2.

scope of audit: construction investment

case: refusal to submit required documents for the investment