European Research Studies Journal
Volume XXIV, Issue 1, 2021

pp. 1189-1203

Is it Darker in a Larger Courtroom? On the Relationship Between the Size of Regional Court and Exercising the Right to Public Information in Poland

Submitted 20/11/20, 1st revision 15/12/20, 2nd revision 21/01/21, accepted 19/02/21

Bartłomiej Biga[1], Michał Możdżeń[2]

Abstract:

Purpose: *The purpose of the text is to analyze response letters from all Polish regional courts to requests submitted under the administrative procedure for accessing public information.*
Design/Methodology/Approach: *Based on the data on response letters received from regional courts and the court-sized quartiles, we studied whether there were considerable differences in response quality. We tested the hypothesis using Chi-square.*
Findings: *The outcomes show that larger courts that, as proven by other research, are in principle characterized by higher judiciary effectiveness, less often provide complete public information. That also means that courts, which are more focused on their primary functions' performance, show the lower performance of secondary administrative tasks such as public information disclosure.*
Practical Implications: *This result has got many practical implications because courts are amongst the entities obliged to provide public information.*
Originality/Value: *It is an article of its kind trying to shed light in an issue which is not very well examined so far.*

Keywords: *Public information, transparency, judiciary effectiveness of courts, court performance, Polish courts.*

JEL Codes: *K19, H80.*

Paper type: *Research paper.*

Acknowledgments: *The publication is co-financed by the Ministry of Science and Higher Education of Poland within the "Regional Initiative of Excellence" Programme for 2019-2022. Project no.: 021/RID/2018/19. Total financing: 11.897 131,40 PLN.*

[1]*Cracow University of Economics, Department of Public Policy,*
e-mail: bartlomiej.biga@uek.krakow.pl;
[2]*Cracow University of Economics, Department of Public Policy,*
e-mail: michal.mozdzen@uek.krakow.pl;

1. Introduction

The most common indicators used for evaluating the quality of court activities are the number of completed cases and the number of issued decisions compared to the number of received cases per judge (Lepore *et al.,* 2012; Voight and El-Bialy, 2016; Beenstock and Haitovsky, 2004; Buscaglia and Ulen, 1997; USAID, 2015). The same indicators are also used for evaluating judges in several national systems. However, this paper aims to draw attention to another essential dimension of court performance, the fulfilment of the obligation to provide access to public information. Notwithstanding that it is a secondary activity, its significance from a democratic state ruled by law is sizeable. Naturally, it does not mean postulating that public information-related issues be awarded primacy. However, they cannot be disregarded when it comes to court performance evaluation.

Economic studies on-court performance generally indicates that under certain conditions, in the case of courts' primary function that issuance of judicial decisions is, economies of scale emerge (Bełdowski *et al.*, 2019; Peynache and Zago, 2016). There are, however, secondary functions of courts, the outlays for which do not dynamically match the scaling-up of court operations. It is possible, especially when those functions are not incorporated into performance indicators used to assess organizations' effectiveness (Smith, 1995). This issue is crucial in the context of the answer to the question: to what extent courts and judges can promote efficiency (Marciano and Khalil, 2012).

The fulfilment of the obligation under the Access to Public Information Act exemplifies such a secondary function. In Poland, there are no penalizing public organizations for non-compliance within the somewhat strict regime of this Act of law, notwithstanding the binding legal grounds for doing so (Maciejewski, 2014). This undermines public sector operations' transparency, which is an essential feature but simultaneously complicated to set parameters for and enforce.

Assuming that there is some minimum quantity of resources appropriated to every function of an organization, including assurance of public information access, it may be expected that resources appropriated to less effectively enforced functions will relatively diminish the larger an organization grows. Given that economies of scale (to the extent of the number of judicial decisions) arise, among other things, from a lower than proportionate increase in the number of administrative staff the larger a court grows, we may acknowledge that the number of staff members accountable for fulfilment of the obligation to provide access to public information will not rise proportionately to the number of cases (that within this understanding constitute the proxy of information needed to be processed in order to ensure access). Consequently, larger courts may face more significant difficulties in providing access to information that has not been processed beforehand. Such a hypothesis has been resolved by us to be verified based on the data gathered from all the 45 regional courts in Poland.

Here it is necessary to shortly discuss essential features of the Polish system of accessing public information within the context of workflow arrangement at courts and judges' motivation. The Act of 6 September 2001 on Access to Public Information provided for relatively easy data acquisition for various purposes, including for scientific analyses. The first Article of this Act of law stipulates in initio that „any information regarding public affairs constitutes public information." The following provisions naturally define a series of exceptions, but they do not prejudice the enormously broad scope of these regulations.

Neither does the Act constrain the circle of people authorized to acquire public information - Article 2 Clause 1 and 2 stipulate that this right is vested in everyone, and it is not permissible to require any proof of legal interest or any other public interest whatsoever. The exception is the access to processed information, in which it is necessary to evidence of substantive importance for the public interest (Article 3 Clause 1 Point 1). Public authorities are understood in a broad sense, and entities undertaking the public activity must provide access to public information. A list of categories of those entities under Article 4 Clause 1 is only exemplary.

Thus, the Act defines an absolute minimum. However, when certain entities decide to provide a broader scope of public information, it should be evaluated in favourable terms. The Act limits the scope of obligatorily provided public information not because complete access would prejudice public interest. The reason is to prevent excessive burdening of entities providing information. However, if some entities can go beyond the statutory minimum, it should positively impact their performance assessment. We have hypothesized that large courts less often provide complete public information (over the statutory minimum). Therefore, large courts that perform their primary tasks better – assessed in terms of judiciary effectiveness– less satisfactorily fulfil the obligation to provide public information access.

Bełdowski, Dobroś, and Wojciechowski (2020) undertook the performance analysis of Polish regional courts. They proved the positive impact of administrative, back-office staff upon the number of completed cases and the positive impact of court size on judges' number upon judiciary performance in full-trial cases. They also emphasized that the performance of Polish courts is strongly demand-driven. In their analyses, however, they focused mainly on court outcomes in completed cases (both in the form of a judicial decision and writ of payment). It is worth continuing the deliberations within this context, adding the context of regional courts and a parameter of transparency implemented in response to public information requests. This is what our paper is about.

The performance analysis of courts was undertaken in several countries (Dimitrova-Grajzl *et al.*, 2012; Castro, 2009; El-Bialy and Garcia-Rubio, 2011; Mitsopoulos and Pelagidis, 2007; Rosales-Lopez, 2008; Grajzl and Silwal, 2020) and was carried out in a comparative manner (Dakolias, 1999). The analyses were, however, limited to quality assessment of their primary judicial function. They are limiting court performance assessment exclusively to the judicial function results in the omission of

several essential aspects. The issue of the multitude of factors and which of them should be considered to assess public institutions' effectiveness is underlined, inter alia, by Markic (2014). One of those essential factors is transparency, understood as the possibility of accessing information that public entities have. The significance of that aspect is emphasized by several authors (Bisogno *et al.*, 2017; Garlatti *et al.*, 2014; Guthrie Dumay, 2015; Guthrie *et al.*, 2017). Furthermore, the right to access public information is an essential instrument used for developing an information society. Ensuring convenient access is therefore not only an administrative challenge for offices but may have a considerable impact (though hard to quantify) upon social and economic development (Culier and Davis, 2019).

The additional administrative burden arising from a substantial number of public information requests may translate into lower effectiveness when performing primary tasks. This situation may partly be improved only because applicants have the right to unlimited access exclusively to unprocessed information. According to the stance of the Voivodeship Administrative Court in Kraków (II SAB/Kr 140/12 from 25 October 2012) *"raw data is unprocessed information that an obliged body may disclose in the form it has, provided that its excerpt from information resources (registries, collections of documents, proceeding files) does not entail the need to incur any cost of labor or financial expenses that cannot be reconciled with the ongoing operations of the body obliged to provide information. Raw data is not transformed into processed information through a conversion process. In turn, it is required to be processed. Making use of archival materials does not constitute information processing."* However, numerous entities' experience is indicative of a labor-consuming process in the case of such requests.

Involvement of courts in non-judicial, secondary functions should also be considered in the context of incentives that influence their staff members. Suppose the number of issued judicial decisions is the primary assessment criterion (understood as the number of completed cases or a resolution coefficient - that is, the ratio of the number of completed cases to those brought before the court), given the concurrent lack of sanctions. In that case, it is hard to expect involvement in other kinds of operations, such as access to public information discussed in this paper.

Within this context, the judge promotion mechanism is crucial (Baum, 1994; Schneider, 2005; Gomes, 2016) since judges are often superiors to administrative employees who prepare response letters to public information requests. The influence of ideological motivation, described by Epstein (2015), cannot be disregarded, although they are challenging to identify. However, for this analysis, one reservation needs to be made that the involvement in the non-judicial function may, in principle, be influenced by a non-measurable judges' conviction about the need for transparency.

The deliberations in this paper also fit into the research on economies of scale (Jessop, 2005) in the consolidation of back-office administrative staff members. Because the Polish legal system essentially does not allow for respective judges to specialize in

specific kinds of cases, it is impossible to improve larger courts' performance through the employment of an appropriately large number of judges proficient in specific fields. The beneficial economies of scale that are witnessed are usually linked with the consolidation of supporting activities (Dean, 2015). Such beneficial economies are witnessed in various organizations (Lago-Penas and Martinez-Vazquez, 2013 p. 269). It is even referred to in merging organizational units of municipalities (Klassen *et al.*, 2016 p. 51). The authors of the judicial system reform also draw attention to savings arising from that effect. In Poland's case, the reform entailing closure of smaller regional courts has been discontinued for political reasons.

2. Research Methodology

To research economic aspects of intellectual property cases heard by Polish courts, to all regional courts (that are first-instance courts for that category of cases), we submitted a public information request under Article 2 Clause 1 of the Access to Public Information Act. The request letter contained 20 questions regarding the presentation of data, broken down by years from 2007 until 2016 and cases entered repertories for copyright cases and industrial property cases, including specification of economic cases. The application contained a request for answers to be delivered via standard mail and email.

A corresponding request (adjusted to the appeal procedure) was submitted to the courts of appeal. Although the response letters from regional courts were the subject matter of the research, the information on the quality of the response letters from courts of appeal was necessary to be obtained to verify one of the additional hypotheses on the informal influence of the workflow at a higher-instance court upon units issuing within its sphere of the appellate authority.

A substantial part of the request concerned data that courts report to the Ministry of Justine on an annual basis or may relatively quickly generate from their computer system (e.g., the number of incoming cases, completed cases, recognition of pursued claims). For instance, some questions about the length of proceedings or number of recognized damages certainly did not fit in the category of *"unprocessed information."* Although the Access to Public Information Act does not require any evidence of legal interest or the public interest, the request contained a mention of the scientific research. It was also sent through the university, and the university email account was also designated for communication purposes.

For qualitative analyses, we assigned one out of four values to the response letters from regional courts. The criterion was based on an assessment of legitimacy (compliance with statutory requirements):

0 - no response;
1 - partial response below statutory requirements;
2 - full and complete unprocessed information, i.e., fulfilment of the statutory obligation;

3 - response containing also processed information – i.e., more than the statutory requirements and fully satisfying the request in the application.

In the subsequent step we simplified the scale to include two grades for the purpose of the quantitative analysis. This time the criterion was dichotomous, regarding the fulfilment of the public information request:

0 - incomplete response – value assigned to grades 0, 1 and 2 on the aforementioned 4-point grading scale;
1 - full and complete response – grade 3 on the previous scale.

Table 1. *Assessment of Response Letters from Courts to Public Information Requests*

Quality Analysis Assessment	Number of Courts	Quantity Analysis Assessment	Number of Courts
0	4	0	22
1	4		
2	14		
3	32	1	32

Source: *Own Study.*

Furthermore, independently from the above, we compiled the following data:

1. The number of residents in municipalities within the jurisdiction of courts in 2018 (National Statistics Office).
2. The number of civil and economic cases that were filed with courts in 2018 (Ministry of Justice).
3. The number of full-time jobs of judges and judge assistants employed at regional courts in 2018 (Ministry of Justice).

Given the last variables, we assigned courts to quartiles from 1 (smallest courts) to 4 (largest courts).

Apart from that, we assigned courts to geographical locations within Occupied Partitions in which courts had been seated initially. That action was guided by the attempt to depict differences that could arise from the fact that in the years 1795-1918, the territory of Poland was partitioned among three neighbouring occupying countries (Prussia, Austro-Hungary, and Russia). Numerous studies (Vogler, 2019; Grosfeld and Zhuravskaya, 2015; Bukowski, 2019) show that there are still far-reaching differences in public authorities' operations in those three areas. Based on the compiled data, we put forward the following central hypothesis:

H1: *The larger the count, the less frequently it provides complete public information that requires processing.*

The hypothesis assumes the existence of a correlation, according to which the larger court grows, the less proportionate the increase in the number of administrative staff

members gets, which, being the manifestation of increasing effectiveness of organizations, brings about difficulties in the performance of functions that are hard to be scaled. Independently, we have assumed that, due to the low importance of the function of the access to public information in courts, the larger the count grows, the pressure does not increase to automate processes aiding the performance of that function. On top of that, to conduct the sensitivity analysis, we also put forward two different hypotheses:

H2: *The more employees are burdened with cases (the more cases per employee), the less probable it is to provide information. This hypothesis assumes that regardless of the court size, the more employees (judges and assistants) are burdened with cases, the less time they can devote to non-secondary functions.*

H3: *The lower quality of public information provided by courts of appeal, the less probable it is for regional courts within their jurisdictions to provide high-quality information. This hypothesis assumes a peculiar "osmosis" of organizational culture, i.e., a more negligent approach to public information disclosure results from the higher-instance court's connivance.*

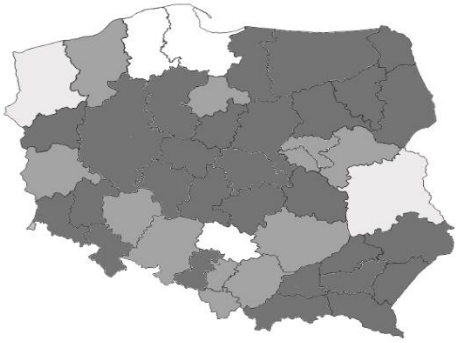
Having compiled the data, we undertook the following analytical steps:

- Based on the data on response letters received from regional courts and the court size quartiles, we studied whether there were considerable differences in response quality amongst the four size groups. We tested the hypothesis using Chi-square.
- Based on the data on response letters received from regional courts and quartiles of employee burden with civil and economic cases, we studied whether there were considerable differences in response quality amongst the four burden groups. We tested the hypothesis using Chi-square.
- Based on the data on response letters received from regional courts and courts of appeal, we studied whether there were differences in response quality depending on whether a court of appeal superior to a regional court had fulfilled its obligation. We tested the hypothesis using Chi-square.
- We summed up the research using the logistic regression model in which we tested all three hypotheses concurrently, also considering the control variables in respect of the partition in which a court was seated.

4. Results

All the courts to which the request had been submitted responded. Some exercised the right to postpone the deadline for the response letter, of which the applicant was notified. The geographical distribution of response letters from regional courts is presented in Figure 1.

Figure 1. *Quality Assessment of Response Letters from Regional Courts to the Public Information Request.*



Colour	Response Category
	0
	1
	2
	3

Source: *Own study.*

The analysis of response letters indicates a large discrepancy in how respective courts approach fulfilling the obligation to provide access to public information. The grounds and reasons – usually very extensive – also show considerable differences in the interpretation of legal regulations that are not incredibly complicated. The extent of general clauses and other imprecise notions used therein cannot be regarded as especially large.

However, the general picture is not negative – 85% of courts fulfilled their statutory obligation. Moreover, as many as 59% of response letters were more than the statutory minimum. Those cases undoubtedly required additional work, although it is hard to assess its volume since it is dependent on the internal organization of t respective court administrations.

Some smaller courts, in which the number of intellectual property cases was not high (between several and a few dozen), described each case separately instead of drawing up summaries. There were also cases of anonymized judicial decisions of all the relevant cases. Such approaches were scored highly (3 on the scale above) since the information provided in that manner was more than the extent requested.

In the context of transparency, the analysis of the cases in which those entities denied access to any information was especially significant. Within the framework of the research, there were four such cases. The Court of Appeal in Szczecin denied access due to the failure to evidence "overriding importance in the public interest." One may doubt whether that denial is not in contravention of the provisions of the Act since – in conformity with Article 2 Clause 2 "it is forbidden to demand evidence of legal interest or public interest from an individual who exercises the right to access public information." Whereas the provision of Article 3 Clause 1 Point 1 containing the reference to "overriding importance for public interest" applies exclusively to processed information. Because a part of the data requested overlapped with the data reported by courts to the Ministry of Justice, it can hardly be regarded as processed information (i.e., the one that an entity does not have in the requested form). Similar

response letters were received from the Regional Court in Gdańsk and the Regional Court in Słupsk.

However, the Regional Court in Częstochowa was a particularly extreme case. The response letter stated that *"…we are ready to prepare the information requested by You. However, it will be possible only upon a prior commitment on one's part to bear expenses of additional work performed by officials who would have to perform the said tasks during out-of-office hours. Further, please find attached the cost estimate for preparation of the requested information that the Director of the Regional Court has issued in Częstochowa".* Such a practice must be considered controversial in Poland's context, free of charge access to public information.

Below we present the results of the undertaken analytical steps referred to in part devoted to the methodology. The quantitative analysis section of the research was conducted based on the dichotomous assessment of court response letters proposed in Table 1.

Ad 1: The analysis of the percentage share of courts that provided complete response or incomplete response in quartiles about the number of staff members in civil and economic divisions (Table 1 Exhibit 2) is indicative of correlations between the court size (proxy that is the number of judges in divisions that provided us with relevant data) and the probability of obtaining an entirely satisfactory response to the query that was posed. The correlation significance tested by the Chi-square equalled 12,997, with significance at $p<0,01$.

Table 2. *Response Frequency in Size Quartiles*

Size Quartile	**Full and Complete Response**	**Incomplete Response**	**Number of Output Cases**
1	10	1	11
2	9	2	11
3	6	5	11
4	3	9	12
Total	28	17	45

Source: *Own study.*

Ad 2: We alternatively assumed that the reluctance to provide complete public information requested was influenced by the fact that front-line employees (judges and assistants) are burdened with court cases which made it difficult for them to find spare time to handle secondary, non-judicial functions such as arduous collecting of information. The number of civil and economic cases brought to court in 2018 per one employee of civil and economic divisions was regarded as a proxy. As noted in Table 2 and Exhibit 3, it is not easy to see the correlation between court size (in terms of quartiles) and the percentage share of courts that provided complete information. The Chi-square test confirmed the lack of correlation. The test statistics equalled 0,105, being insignificant at any commonly accepted level.

Table 3. *Response Frequency in Burden Quartiles*

Burden Quartile	Full and Complete Response	Incomplete Response	Number of Output Cases
1	7	4	11
2	7	4	11
3	7	4	11
4	7	5	12
Total	28	17	45

Source: *Own study.*

Ad 3: The second alternative hypothesis was based on the identified organizational correlation between regional courts and higher-instance courts of appeal. We assumed that organizational practices, including providing public information, could co-exist within the jurisdiction of the same court of appeal and be additionally inspired by standards of the higher-instance court. Therefore, we categorized the response letters from courts of appeal to verify whether similar practices tended to converge within a given jurisdiction. The analysis of responses indicates that the percentage share of entirely satisfactory response letters is higher in the case of regional courts in which the second-instance court also responded satisfactorily (Table 3 and Exhibit 4). In this case, the Chi-square test statistics equalled 2,672, being insignificant at any commonly accepted level.

Table 4. *Response Frequency depending on which information was provided by the court of appeal as the superior second-stance court in respect of a given regional court*

Court of Appeal – Full and Complete Response	Full and Complete Response	Incomplete Response	Number of Output Cases
0	8	9	17
1	20	8	28
Total	28	17	45

Source: *Own study.*

Ad 4: To the systematic analysis of competing hypotheses in the case of cross-sectional data, logistic regression models are traditionally applied. We also resolved to utilise such a model in its canonical form:

$$p = \frac{e^z}{1+e^z}, where z = \alpha_0 + \alpha_1 SA\_inf + \alpha_2 Load + \alpha_3 Size + \alpha_4 Prussia + \alpha_5 Russia \quad (1)$$

- p – probability that a given regional court provided full and complete information,
- *SA_inf* - dummy, equivalent to 1, when a court of appeal being the superior second-instance court for a given regional court provided complete information,
- *Load* - employee burden with cases brought to court in 2018,

- *Size* - the number of employees (judges and assistants) of civil and economic divisions,
- *Prussia* - dummy, equivalent to 1, when a court was seated in the Prussian Partition,
- *Russia* - dummy, equivalent to 1, when a court was seated in the Russian Partition.

The resulting figures indicate the model is well-matched. The Cox and Snell R-squared Coefficient equals 0,29 and R-squared in Nagelkerke - 0,39. The model accurately classifies 75,6% of observations.

The analysis of regression coefficients indicates that two out of the coefficients are significant at p<0,05. This is the case with variables SA_inf and Size. Thus, it seems that there is a correlation between court size and the inclination to provide public information, controlled by the organisational culture at the -higher-instance court.

Table 5. *Predicted and actual frequencies*

Predicted Actual		Full information ,00	 1,00	Percent of correct class.
Full information	,00	10	7	58,8
	1,00	4	24	85,7
Percent of correct class. Overall				75,6

Source: *Own Study.*

Table 6*. Logistic Regression Results. Dependent Variable – probability that a court provided full and complete information*

	B	Std. Error	Wald	Sign.	Exp(B)
SA_inf	2,082	1,024	4,138	,042	8,024
Load	-,025	,017	2,069	,150	,975
Size	-,027	,012	4,924	,026	,973
Prussia	-2,013	1,274	2,497	,114	,134
Russia	-1,878	1,354	1,923	,166	,153
Const.	7,510	4,168	3,246	,072	1827,008
Log-likelihood	44,274	Cox & Snell R-sq	0,29	Nagelkerke R-sq	0,39

Source: *Own Study.*

5. Discussion

There is no doubt that the right to access public information plays a vital role in observing principles in a democratic state ruled by law. Thus, although it is a secondary function of courts, it cannot be treated as a burden - a task that causes productivity of the primary judicial function to be diminished. The quality of this secondary function must also be considered when assessing those institutions' performance. Unfortunately, when designing judicial system reforms, which in

Poland focus on the closure of smaller courts or consolidation of some cases (specialized courts for intellectual property cases), three factors are usually considered. First, effectiveness - understood as the number of completed cases per one judge. Second, enhanced uniformity of judicial decisions. Third, it hindered access to the system of justice for entities from smaller towns.

This paper provides an additional dimension: interchangeability of effectiveness in performance of primary (judicial) functions and involvement in secondary (administrative) tasks, out of which disclosure of public information is incredibly essential. We emphasize that differences in judicial activity effectiveness may arise from specialization or better court workflow arrangements and a different approach to secondary administrative tasks.

The presented research is subject to several limitations, of which we are aware. First, due to the data that we have managed to acquire from the Polish Ministry of Justice, we have only an imperfect proxy of the court size seen as the number of judges and assistants at civil and economic divisions. However, it bears noting that application of a different proxy of court size that is the number of all the cases brought to court each year, does not qualitatively affect the resulting figures of the logistic regression or the Chi-square test (due to their identity, these analysis results are available upon request). The second limitation derives from the lack of data concerning intellectual property cases, which is causally related to the time-consuming nature of processing information that we requested. However, we acknowledged that the number of intellectual property cases showed a strong correlation with court size (in terms of the number of employees or the number of cases overall).

Furthermore, the court size measures may also reflect other tasks performed by administrative, back-office staff members, corresponding to the relative reduction of their number of judges and assistants (if such a relationship at all exists). The third limitation results from the lack of information on the number of administrative employees. Access to such data could validate the hypothesis regarding the consolidation of back-offices at larger courts. It is a limitation beyond our control, so the research deliverables and the interpretation of the results are affected by the error. In other words, the presented results may be the outcome of the mechanism referred to in the article, but they may also arise from totally different characteristics of the courts under analysis.

Given the above reservations, the presented results may be treated as confirming the hypothesis that as larger courts grow (even if it impacts their performance, which we do not analyse), interest in the realization of secondary functions decreases. Alternatively, to phrase it differently, the larger a court grows, the greater its inclination for the law's literal application to not suffer the consequences of non-compliance. That is most probably the effect of less than proportionate increases in administrative resources (most of all employment for secretarial offices at courts), the larger courts grow. This is a natural consequence of organizational economies of scale because one may expect that higher courts' back-office performance is characterized

by higher effectiveness. This situation undermines deficient scalability functions unless reliable information technology is put in place or does not account for a clear court performance indicator. Implementation of the rule of law governing access to public information satisfies both prerequisites. Though weaker than the first one, the second conclusion encompasses the statistically significant correlation between regional courts and courts of appeal (based on logistic regression). We may expect that courts of appeal, compliant with high standards of the Access to Public Information Act, put informal (no organizational subordination is in place) pressure on lower-instance courts, which is independent of the organizational traditions of the system of justice, resulting from the differences in respective Partitions.

The obtained results also show that the seemingly simple legal regulation governing broad access to public information is not free from interpretative challenges. In most cases, the information was provided more than the statutory obligation for the reasons, the weight of which are admittedly hard to be univocally defined. The catalogue of those motives should undoubtedly include the fear of penal sanction, professional ethos, the will to assist scientists in their research, workplace relationships, etc.

It is worth paying particular attention to the Regional Court's performance in Częstochowa, which requested the reimbursement of expenses on additional work performed by officials, which can hardly be regarded as justified in the context of binding legal regulations. The Access to Public Information Act stipulates that unprocessed information is to be provided free of charge, and the only expenses that may be claimed to be reimbursed by the applicant are those incurred due to the form of data transmission (forms of used media, etc.). Thus, even if the Regional Court in Częstochowa had considered the entirety or part of the requested information to be processed, it could have only denied providing it (due to the failure to evidence overriding importance in the public interest). However, the claim to reimburse the cost of work performed by officials compiling the data must be regarded as highly controversial.

The related judicial decisions support this assessment. First, it is indicated to be an exception from the principle of free-of-charge access to public information (IV SA/Wr 399/17 from 19 October 2017), so as such, it should be interpreted more narrowly. The stance of the Supreme Administrative Court is crucial in this context (I OSK 2436/16 from 20 January 2017), according to which *"it is permissible exclusively to have „additional cost" reimbursed, that have been incurred by a body obliged to provide public information. This cannot be associated with costs of any other additional activity of a body or its employees (e.g., the necessity to perform additional work such as even searching for specific information that has been requested)."*

The Voivodeship Administrative Court also represented a similar stance in Warszawa (II SAB/Wa 113/10 from 08 July 2010), which noted that *"under Article 15 of the Act of 2001 on the Access to Public Information it is permissible to charge a fee*

corresponding to real costs (e.g., copying of documents) and in principle, it is not allowed to demand a payment for additional work that needs to be performed by employees of the obliged body."

On the other hand, the stance of the Voivodeship Administrative Court was also published (IV SA/Wr 541/16 from 28 September 2017), stating that *"no provision prejudices the right to recover the cost of labor arising from information disclosure if it has been evidenced that such a cost was incurred more than standard and usual operating costs incurred on technical facilities and human resources of the entity."* Such a stance is surprising since, should such circumstances arise, it can be argued that such information has a processed character, and therefore there are grounds for the request to be rejected.

References:

Baum, L. 1994. What judges want: Judges' goals and judicial behavior. Political Research Quarterly, 47(3), 749-768.

Beenstock, M., Haitovsky, Y. 2004. Does the appointment of judges increase the output of the judiciary? International Review of Law and Economics, 24(3), 351-369.

Bełdowski, J., Dąbroś, Ł., Wojciechowski, W. 2020. Judges and court performance: a case study of District commercial courts in Poland. European Journal of Law and Economics, 1-31.

Bisogno, M., Nota, G., Ianulardo, M. 2017. Transparency, accountability and fighting corruption: A model on whistle-blowing processes. Cuadrado-BallesterosB. García-SánchezI. M. (Eds.). Local Governments in the Digital Era. Looking for Accountability, 171-184.

Buscaglia, E., Ulen, T. 1997. A quantitative assessment of the efficiency of the judicial sector in Latin America. International Review of Law and Economics, 17(2), 275-291.

Bukowski, P. 2019. How history matters for student performance. Lessons from the Partitions of Poland. Journal of Comparative Economics, 47(1), 136-175.

Castro, A.S.D. 2009. Court performance in Brazil: Evidence from judicature-level data.

Cuillier, D., Davis, C.N. 2019. The art of access: Strategies for acquiring public records. CQ Press.

Dakolias, M. 1999. Court performance around the world: a comparative perspective. The World Bank.

Dean, T. 2015. Building Better Public Services: A Guide for Practitioners. Friesen Press.

Dimitrova-Grajzl, V., Grajzl, P., Sustersic, J., Zajc, K. 2012, Court output, judicial staffing, and the demand for court services: Evidence from Slovenian courts of first instance. International review of law and economics, 32(1), 19-29.

Elbialy, N., García-Rubio, M.A. 2011. Assessing judicial efficiency of Egyptian first instance courts: A DEA analysis (No. 19-2011). Joint discussion paper series in economics.

Epstein, L. 2015. Some thoughts on the study of judicial behavior. William and Mary Low Review, 57.

Garlatti, A., Massaro, M., Dumay, J., Zanin, L. 2014. Intellectual Capital and Knowledge Management within the public sector. A systematic literature review and future developments. In: Proceedings of the 11th International Conference on

Intellectual Capital, Knowledge Management & Organizational Learning ICICKM, 175-184.

Grajzl, P., Silwal, S. 2020. The functioning of courts in a developing economy: evidence from Nepal. European Journal of Law and Economics, 49(1), 101-129.

Grosfeld, I., Zhuravskaya, E. 2015. Cultural vs. economic legacies of empires: Evidence from the partition of Poland. Journal of Comparative Economics, 43(1), 55-75.

Guthrie, J., Dumay, J. 2015. New frontiers in the use of intellectual capital in the public sector. Journal of Intellectual Capital.

Guthrie, J., Manes-Rossi, F., Orelli, R.L. 2017. Integrated reporting and integrated thinking in Italian public sector organisations. Meditari Accountancy Research.

Jessop, B. 2005. The Political Economy of Scale and European Governance1. Tijdschrift voor economische en sociale geografie, 96(2), 225-230.

Klassen, T.R., Cepiku, D., Lah, T.J. (Eds.). 2016. The Routledge handbook of global public policy and administration. Taylor & Francis.

Lago-Peñas, S., Martinez-Vazquez, J. (Eds.). 2013. The Challenge of Local Government Size: theoretical perspectives, international experience and policy reform. Edward Elgar Publishing.

Lepore, L. Metallo, C., Agrifoglio, R. 2012. Evaluating Court Performance: Findings from Two Italian Courts, International Journal for Court Administration, 4(3)

Maciejewski, M. et al. 2014. Prawo do informacji publicznej Efektywność regulacji i perspektywy jej rozwoju.

Marciano, A., Khalil, E.L. 2012. Optimization, path dependence and the law: Can judges promote efficiency? International Review of Law and Economics, 32(1), 72-82.

Markić, D. 2014. A review on the use of performance indicators in the public sector. Tem Journal, 3(1), 22-28.

Mitsopoulos, M., Pelagidis, Th. 2007. Does staffing affect the time to dispose cases in Greek courts? International Review of Law and Economics, 27, 2, 219-244.

de Oliveira Gomes, A., de Aquino Guimaraes, T., Akutsu, L. 2016. The relationship between judicial staff and court performance: Evidence from Brazilian State Courts. In: IJCA, 8(12).

Peyrache, A., Zago, A. 2016. Large courts, small justice! The inefficiency and the optimal structure of the Italian justice sector, Omega, 46, 42-56

Rosales-López, V. 2008. Economics of court performance: an empirical analysis. European Journal of Law and Economics, 25(3), 231-251.

Schneider, M.R. 2005. Judicial career incentives and court performance: an empirical study of the German labour courts of appeal. European Journal of Law and Economics, 20(2), 127-144

Smith, P. 1995. On the unintended consequences of publishing performance data in the public sector. International journal of public administration, 18(2-3), 277-310.

USAID. 2015. Court performance evaluation framework: standards, criteria, indicators and methods, USAID Fair Justice Project. Retrieved from: https://newjustice.org.ua/wp-content/uploads/2018/06/COURT_PERFORMANCE_ENG2015.pdf.

Vogler, J.P. 2019. Imperial rule, the imposition of bureaucratic institutions, and their long-term legacies. World Politics, 71(4), 806-863.

Voigt, S., El-Bialy, N. 2016. Identifying the determinants of aggregate judicial performance: taxpayers' money well spent? European Journal of Law and Economics, 41(2), 283-319.