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**SELECTED ASPECTS OF RECORDING
THE COURSE OF A MASS EVENT IN THE CONTEXT
OF ENSURING SAFETY DURING MASS SPORTS EVENTS****Introduction**

Ensuring security is one of the most important values that have existed in society since its inception. It's worth noting from the outset that, despite the dynamic evolution that has occurred globally over the past 200 years, a sense of security, both among individuals and entire communities, has always been a key existential aspect of everyday life. This is confirmed not only by the morally accepted principles of mutual coexistence in many areas, but also by the explicitly expressed commands and prohibitions on how to act in specific situations, through legal provisions contained in various legal acts. In the context of Polish regulations, it's first important to note that, pursuant to Art. 5 of the Constitution of the Republic of Poland, the Republic of Poland safeguards the independence and inviolability of its territory, ensures the freedoms and rights of persons and citizens, and the security of its citizens, safeguards the national heritage, and ensures environmental protection, guided by the principle of sustainable development.¹ With regard to the subject of mass events, it can be interpreted that the cited provision applies both to ensuring the safety of participants in such events and in the context of ensuring the freedom and rights of human and civil rights to participate in peaceful assemblies (Art. 57 of the Constitution of the Republic of Poland) or to use cultural goods (Art. 73 of the Constitution of the Republic of Poland).

¹ Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws [Dz.U.] 1997, No. 78, item 483, as amended).

The primary objective of this article is to conduct a theoretical and practical analysis of the current legal provisions governing the recording of mass events. The working hypothesis posits that the use of audio and video recording devices to document the course of such events has had a significant impact on enhancing the safety of participants in mass sporting events.

Referring directly to the issues discussed in detail in this study, it is appropriate to point out that security issues related to the organization and conduct of mass sporting events are currently regulated by the Act of 20 March 2009 on the Security of Mass Events (hereinafter referred to as: UBezImp).² The adoption of this normative act was conditioned by the desire to professionalize the then-current legal provisions in this area and to award Poland the role of co-host of the EURO 2012 European Football Championship.

To understand the issues surrounding ensuring safety and public order in connection with the organization of mass sporting events in Poland, it is appropriate to identify the most significant potential threats to this area of everyday life. It is worth noting that the global development of legal regulations regarding ensuring the safety of mass events has been particularly noticeable over the past 50 years. This development is a result of negative events that have frequently occurred during mass sporting events, especially during football matches. It is important to emphasize that in this case, the initiators of negative behavior were often the participants of the matches themselves, who are often referred to in public opinion as football hooligans or stadium hooligans. It is worth noting that the phenomenon of stadium hooliganism dates back over 120 years, and the term “hooligan” is derived from the name of Edward Hooligan, who led a gang of football fans in Ireland in the late 19th century.³

One of the most famous examples of negative incidents at sporting events is the European Cup final match between Juventus and Liverpool FC, which took place on 29 May 1985, at Heysel Stadium in Brussels. The incident occurred immediately before the commencement of the match, when British supporters began verbally abusing and throwing stones at the Italian fans. In an effort to avoid injury, the Italian supporters began to withdraw from the stands, which subsequently led to the collapse of a concrete wall, resulting in fatal injuries to numerous individuals present at the event.⁴ Riots between fans of both teams resulted in 39 deaths and several hundred injuries. As later assessed, the Belgian police and security services’ response to the aggressive behavior of hooligans was insufficient, and the ticket distribution procedure and the fact that the match took place in an outdated stadium

² Act of 20 March 2009 on the safety of mass events (consolidated text: Journal of Laws of 2023, item 616).

³ B. Wiśniewski, R. Socha, M. Gracz, *Zasadnicze problemy prawno-organizacyjne bezpieczeństwa masowych imprez sportowych*, Bielsko-Biała 2010, p. 19.

⁴ J. Jedel, J. Zawadzki, G. Pietrek, *Charakterystyka obiektów imprez masowych. Aspekt modeli ekonomicznych i bezpieczeństwa*, Gdańsk 2019, p. 92.

left much to be desired.⁵ It should be noted, however, that in such situations, assessing the work of both the police and security services, resulting from months of analysis, presents a completely different scale of difficulty compared to the responsibility for the decisions they made when a specific threat occurred.⁶ The legislative consequence of the events described at that time was the adoption of the European Convention on Spectator Violence and Misbehaviour at Sports Events, and in particular at Football Matches, which was drawn up in Strasbourg on 19 August 1985.⁷

Another example of dangerous incidents at mass sporting events initiated by participants is the incident that took place during a speedway match in Lublin between the Motor Lublin and Apator Toruń teams. Media reports indicate that a group of Toruń fans, dissatisfied with the match's outcome, ran out of their sector during the speedway competition, which led to a scuffle with security. As a result, the competition was interrupted for several minutes, and the three most aggressive men were detained by police.⁸

Therefore, it is important to agree that the actions of the organizer and the services responsible for ensuring safety during mass sporting events are as important as the infrastructure of the venues where such events take place. Adapting sports facilities to include comprehensive monitoring, isolating opposing fans from each other through designated buffer zones, and providing appropriate fire and sanitary protection can significantly improve or reduce the level of safety during a given mass sporting event.⁹

The examples cited above allow us to conclude at the outset that the legal possibility of recording the course of mass sports events using image and sound recording devices may contribute to an increase in the level of safety during such mass events.

Definition of a mass sporting event

In order to undertake a broader discussion of the issues surrounding the recording of mass sporting events, it should first be noted that, pursuant to Art. 3,

⁵ K. Drozd, *Bezpieczeństwo imprez masowych. Leksykon*, Lublin 2018, p. 6.

⁶ M. Cupryjak, *Bezpieczeństwo obiektów, osób i imprez masowych w świetle zagrożeń terrorystycznych i przestępczych – wybrane aspekty*, Szczecin 2015, p. 251.

⁷ European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, signed at Strasbourg on 19 August 1985 (Journal of Laws 1995, No. 129, item 625).

⁸ Riots at a speedway match in Lublin. Police detain fans from Toruń, <https://kurierlubelski.pl/zamieszki-na-meczu-zuzlowcow-w-lublinie-policja-zatrzymala-kibicow-z-torunia-zdjecia-wideo/ar/c2-16823227> (30.07.2025).

⁹ M. Nepelski, J. Struniawski, *Zagrożenie bezpieczeństwa imprez masowych i zgromadzeń publicznych [in:] Zarządzanie bezpieczeństwem imprez masowych i zgromadzeń publicznych – wymiar organizacyjno-praktyczny*, Vol. 2, eds. M. Nepelski, J. Struniawski, Szczytno 2016, p. 14.

point 1 of the UBezplmp, the term “mass event” generally encompasses artistic and entertainment events and mass sporting events, including football matches. Analyzing the cited provision directly, it can be seen that, in creating the legal definition of a mass event, the legislator did not focus on its detailed legal characterization, but merely indicated that it can take two forms. Therefore, it is appropriate to refer to the regulation contained in Art. 3, point 3 of the UBezplmp, which stipulates that a mass sporting event is one that aims to conduct sports competition or promote physical culture and is organized at:

- a stadium or other facility other than a building, where the number of places made available by the organizer for persons, determined in accordance with the provisions of construction law and fire protection regulations, is not less than 1000, and in the case of a sports hall or other building enabling the organization of a mass event – not less than 300;
- an area enabling the organization of a mass event, where the number of places provided by the organizer for persons is not less than 1,000.

Moreover, due to the issues discussed in this study, it is appropriate to supplement the above-mentioned concept with the definition of a football match as separately regulated in the Act on the Safety of Mass Events, a type of mass sports event and a high-risk mass event.

According to Art. 3, point 4 of UBezplmp, a football match is a mass sports event aimed at competition in the discipline of football, organized in a stadium or other sports facility where the number of places made available by the organizer for persons, determined in accordance with the provisions of construction law and fire protection regulations, is not less than 1,000. It is worth mentioning here that the rules regarding the safety of football matches as a mass sports event have been regulated in detail by the legislator in the third chapter of the currently applicable Act on the Safety of Mass Events.

As previously mentioned, the legislator, recognizing the higher likelihood of potential threats arising from the organization and conduct of a given mass event, indicated that it could be granted special status. This refers to a so-called high-risk mass event, the legal definition of which assumes that it is a mass event during which, according to information about anticipated threats or previous experience with the behavior of participants, there is a risk of acts of violence or aggression. It is worth mentioning here that due to the frequent antagonistic emotions among fans of such events associated with sporting competition, the regulation contained in Art. 3, point 5 of the UBezplmp applies specifically to mass sporting events.¹⁰

The final point in this section is that, in accordance with the general principle expressed in Art. 5 of the UBezplmp Act, the organizer is responsible for the safety of a given mass event at the location and during its duration, which includes

¹⁰ P. Suski, *Zgromadzenia i imprezy masowe*, Warszawa 2014, pp. 311–312.

meeting requirements such as ensuring the safety of event participants, protecting public order, providing medical support, and ensuring the proper technical condition of buildings and technical installations and devices, particularly fire protection and sanitary facilities. As E. Ura and S. Pieprzny point out, such a broad responsibility of the organizer in ensuring safety during mass events is a result of negative experiences associated with organizing certain mass sports events.¹¹ Correlating this issue with the issue of organizing a high-risk mass event, one should share the view of M. Dróżdź that in the case of negative events that would occur during this type of mass event, the requirement to ensure due diligence of the organizer in matters of ensuring safety may be assessed more rigorously by the courts.¹²

Rules for recording the course of a mass event

The rules for recording the course of mass events, including mass sporting events, are currently regulated in detail primarily in Art. 11 of the UBezImp Act, which is contained in the second chapter of the Act on the Safety of Mass Events and is generally titled: “Safety of Mass Events.” As a general rule, the organizer is entitled to record the course of a mass event, and in particular the behavior of those participating, using image and sound recording devices. It is important to note here that under Art. 11, Section 1 of the UBezImp Act, the organizer has the right, not the obligation, to record the course of the mass event they organize. Furthermore, the purpose of this activity is primarily to record the behavior of those participating in a given mass event, which can be both preventative in nature, i.e., to deter fans from committing an unlawful act, and detective in the event that an unlawful act is committed.¹³

When analyzing the provisions of Art. 11 and Art. 12 of the UBezImp Act, it should be noted that the legislator has reserved three situations in which recording the course of a mass event is an obligation, not a right, of the organizer of a mass sports event.

First of all, it is worth pointing out that pursuant to Art. 11, Section 4 of the UBezImp, the voivode, in consultation with the provincial commander (Warsaw Commander) of the Police and the provincial commander of the State Fire Service, and after consulting the relevant Polish sports association, prepares a list of stadiums, facilities, or areas where recording the course of a mass event using image and sound

¹¹ S. Pieprzny, E. Ura, *Udział organów administracji publicznej w zabezpieczeniu imprez masowych* [in:] *Bezpieczeństwo imprez masowych*, eds. E. Ura, S. Pieprzny, Rzeszów 2012, p. 20.

¹² M. Dróżdź, *Odpowiedzialność deliktowa i kontraktowa podmiotów sportowych – organizatorów imprez masowych*, Warszawa 2024, pp. 196–197.

¹³ W. Kotowski, B. Kurzępa, *Bezpieczeństwo imprez masowych. Komentarz do ustawy o bezpieczeństwie imprez masowych*, Warszawa 2012, p. 75.

recording devices is mandatory. A specific stadium, facility, or area is included in the list by way of an administrative decision. Furthermore, the provincial commander (Warsaw Commander) of the Police and the provincial commander of the State Fire Service may submit to the voivode an application to include a stadium, facility, or area in the list referred to above, if such a conclusion is formulated in the opinion on the necessary number of forces and resources needed to secure a mass event, reservations regarding the technical condition of the facility (area), and the anticipated threats.¹⁴ It should nevertheless be emphasized that the decision to include a particular stadium in the aforementioned register must be thoroughly substantiated, as safety considerations must be carefully balanced against the legal rights of mass event organizers. For instance, by virtue of the judgment issued by the Voivodeship Administrative Court in Warsaw on 20 November 2014, the decision to place the stadium on the relevant list was annulled, *inter alia*, due to the failure to respect the complainant's right to active participation in the administrative proceedings. This procedural deficiency directly prevented the complainant from presenting evidence of the measures allegedly undertaken to enhance the safety of events held at the venue – evidence that might have had a material impact on the outcome of the case.¹⁵

The second situation, in which the organizer of a mass sporting event is obligated to record its course using image and sound recording devices, is addressed in Art. 11, Section 8 of the UBezpImp Act and concerns mass sporting events that have been designated as high-risk mass events. Based on the previous considerations regarding the threats that may occur during a mass sporting event, and especially if it has been classified as a high-risk mass event for specific reasons, the regulation specified in this paragraph should be assessed as unquestionable and entirely appropriate.

The final case in which recording the course of a mass sporting event is an obligation, not a right, of its organizer arises from Art. 12 of the UBezpImp. It states that the voivode with jurisdiction over the planned location of a given mass event is authorized to impose, by administrative decision, the obligation on the organizer to record the event using video and audio recording devices. Since this regulation does not apply to the previously discussed list of stadiums, facilities, or areas where recording the course of a mass event using video and audio recording devices is mandatory, when interpreting Art. 12 of the UBezpImp, it can be easily concluded that the aforementioned administrative decision of the voivode is a one-time decision with respect to the organizer of a specific mass event.

Another aspect related to recording the course of a mass sporting event is the use of collected materials in the event of a potential threat. According to Art. 11, Section 2 of the UBezpImp, materials collected during the recording of a mass

¹⁴ Art. 11 sec. 5 in connection with Art. 25 sec. 1 item 2 of UBezpImp.

¹⁵ Judgment of the Voivodeship Administrative Court in Warsaw of 20 November 2014 (Case No. VI SA/Wa 1421/14, LEX).

event, which may constitute evidence allowing the initiation of criminal proceedings or proceedings in misdemeanor cases, or evidence that may be relevant to ongoing such proceedings, must be immediately forwarded by the organizer to the district prosecutor with jurisdiction over the location of the mass event or to the territorially competent district (municipal, regional) police commander, if necessary with a request to initiate criminal proceedings or a penalty. Furthermore, it is also possible that the organizer of a mass event may decide to report a crime or file a request for penalty in misdemeanor cases. As B. Kurzępa emphasizes, the legislator left the organizer free to choose whether the materials collected during the recording of the course of a mass event should be handed over to the district prosecutor or the district (regional, municipal) police commander.¹⁶

A separate issue is the issue of archiving materials collected by the organizer of a mass sporting event as a result of recording the course of a given mass event. Pursuant to Art. 11, Section 3 of the UBezplmp, the organizer must store the aforementioned materials, which do not contain evidence that would allow for the initiation of criminal proceedings or proceedings in misdemeanor cases, or evidence relevant to such ongoing proceedings, after the conclusion of the mass event for a period of at least 30 days, but no longer than 90 days, and then destroy them in a court of law. As noted by Dróżdź, in the current wording of the Act on the Safety of Mass Events, the legislator has specified both the minimum and maximum storage period for the previously mentioned materials, but in practice it can be assumed that organizers will destroy evidence from recordings of the course of mass events they organize in a court of law after the minimum required retention period, i.e., after 30 days.¹⁷

The final aspect of recording mass sporting events using video and audio recording devices concerns, among other things, the method of recording the course of the mass event and the technical requirements for the devices that will be used for this purpose. Pursuant to Art. 11, Section 9, the Minister of Internal Affairs is obligated to define these matters by regulation. This has been currently regulated by the Regulation of the Minister of Internal Affairs and Administration of 10 January 2011.¹⁸ This regulation specifies, among other things, the locations subject to mandatory video recording, the minimum technical requirements for video and audio recording devices, and the method of storing materials collected during the recording of the course of the mass event.

To conclude this part of the study, it is also worth emphasizing that recording the course of a mass event, including a mass sporting event, is conducted with respect for the dignity and right to privacy of participants in a given mass

¹⁶ B. Kurzępa, *Bezpieczeństwo imprez masowych. Zarys problematyki*, Rzeszów 2020, p. 47.

¹⁷ M. Dróżdź, *Ustawa o bezpieczeństwie imprez masowych. Komentarz*, Warszawa 2020, p. 142.

¹⁸ Regulation of the Minister of Internal Affairs and Administration of 10 January 2011 (Journal of Laws of 2011, No. 16, item 73).

event, as well as in accordance with legal provisions relating to personal data protection – with particular emphasis on the Personal Data Protection Act of 10 May 2018.¹⁹ As C. Kąkol points out, this is important, for example, in situations where people participating in a given mass event are nude.²⁰

Conclusion

Ensuring public safety and order during mass sporting events is one of the most important responsibilities of the event organizer. This is explicitly stated in the current Mass Event Safety Act of 2009. A crucial factor that can both prevent potential threats and, should any danger arise, help identify their origins is the ability, and sometimes the obligation, for the organizer of a mass sporting event to record its progress using audio and video recording devices.

As demonstrated in this study, the organizer's ability to record the course of a mass event is, in principle, an optional right. It should be emphasized, however, that the legislator quite explicitly stipulates three situations in which this right becomes one of the most important obligations of the organizer of a given mass sporting event. Furthermore, based on past experience with negative behavior by participants at mass sporting events, especially football matches, recording their course through image and sound recording allows for easy identification of the origins of a potential threat and the individuals who contributed to it to a specific extent. It should be noted that the current legal provisions in this area are tailored to the needs of mass event organizers and other entities tasked with ensuring safety and public order at the venue and during a given mass sporting event.

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¹⁹ Act of 10 May 2018 on the Protection of Personal Data (consolidated text: Journal of Laws of 2019, item 1781).

²⁰ C. Kąkol, *Bezpieczeństwo imprez masowych. Komentarz*, Warszawa 2020, p. 11.

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Summary

This article discusses the issue of recording mass events using audio and video recording devices in relation to ensuring security during mass sporting events. Ensuring public safety and order during mass sporting events is one of the most difficult challenges facing event organizers today. Detailed rules for recording the course of mass events using image and sound recording devices are set out in the Act on the Safety of Mass Events and the Regulation of the Minister of Internal Affairs and Administration of 10 January 2011. According to the currently adopted regulations, recording the course of a mass event by its organizer is, in principle, their right, to which the legislator has provided three exceptions, namely situations in which the aforementioned right becomes the obligation of the organizer of a mass sports event.

Keywords: security, mass sporting events, recording the course of mass events

WYBRANE ASPEKTY UTRWALANIA PRZEBIEGU IMPREZY MASOWEJ W KONTEKŚCIE ZAPEWNIENIA BEZPIECZEŃSTWA PODCZAS MASOWYCH IMPREZ SPORTOWYCH

Streszczenie

W niniejszym artykule omówiona została problematyka utrwalania przebiegu imprezy masowej za pomocą urządzeń rejestrujących obraz i dźwięk w odniesieniu do zapewnienia bezpieczeństwa podczas masowych imprez sportowych. Zagwarantowanie bezpieczeństwa i porządku publicznego w trakcie masowych imprez sportowych to jedno z najtrudniejszych wyzwań, jakie współcześnie stoją przed organizatorami tego rodzaju wydarzeń sportowych. Szczegółowe zasady utrwalania przebiegu imprez masowych za pomocą urządzeń rejestrujących obraz i dźwięk zostały określone w ustawie o bezpieczeństwie imprez masowych oraz rozporządzeniu Ministra Spraw Wewnętrznych i Administracji z dnia 10 stycznia 2011 r. Zgodnie z aktualnie przyjętymi uregulowaniami utrwalanie przebiegu imprezy masowej przez jej organizatora jest co do zasady jego uprawnieniem, od którego ustawodawca zastrzegł trzy wyjątki, a mianowicie sytuacje, w których wspomniane uprawnienie staje się obowiązkiem organizatora masowej imprezy sportowej.

Słowa kluczowe: bezpieczeństwo, masowe imprezy sportowe, utrwalanie przebiegu imprez masowych