

FRONTIERS OF LAW.THE POWER OF INFORMATION

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Abstract

Nowadays, the issue of information overload is closely related to the problem of information credibility. The aim of the paper is to underline the specific of information during ages and they show how it changed human behavior, needs, possibilities as also how the progress in collecting information push up the development of the civilization. The study emphasize the observations concerning media, state or local authorities and companies actions and high technology emphasizing collecting data and transfers of them.

Key words: *Collecting and transferring information; media; information credibility; local and state authorities*

JEL Classification: *D80*

I. INFORMATION AS THE BASIS OF EXISTENCE AND DEVELOPMENT

Information was first and still is today the most important thing in the life of every living being. There is nothing except information (The famous American theoretical physicist John Wheeler, analyzing time and space, posed the fundamental question, how can something arise from nothing? ("How does something arise from nothing?") and gave the equally spectacular answer "It from bit", expressing in this maximally brief way the doctrine of information as the source of everything (see Ford, 2006). All knowledge and experience of man, of mankind is based on information and its processing (Greene, 2020). Although according to the Gospels there was a word in the beginning, humans, as a species learned about this ex post and how the Universe was created, much later. From this perspective, in the beginning there was information about creation.

Modern physics operates instruments to experimentally prove that the reality in which we live is a kind of illusion created by the microscopic world (Corrol, 2019). Everything that surrounds us is a kind of projection of events taking place in the microworld, whose processes we still do not fully understand. However, more and more empirically confirmed are theoretical models of the Universe and even concepts of multiworlds (Everett III, De Witt, Graham, 1973; Byrne, 2010) whose structure is based not on material particles that we observe every day, but on wave function that collapses, as physicists say - "experiences a collapse" at the moment of observation, that is at the moment of collecting information about the observed object, at the moment of - using again physicists' language - "measurement" (Hobson, 2018; 2013; Weiberg, 2001; Mills, 1994; Wilczek, 1999; Brooks, 2011; Wallace, 2007). Just like in Plato's cave, the observed reality is not true to some extent, it is only the result of a collapse of the wave function of the whole Universe (Ananthaswamy, 2018; Barrow 2018). The existence of each object, its position, momentum, or properties of animate and inanimate matter depends on the observer who collects information about it (Maudin, 2014). In sum, quantum physics opens up to us a magical world that we do not know, in which life has existed for over 4 billion years, and we as a species for over 200,000 years (Bell, Boehnke, Harrison, Mao, 2015; Sagan 1994). Physicists still do not know how to define the "measurement" that causes the collapse of the wave function and consequently the perception of the world as we see it every day (this is the so-called classical world view). Without a doubt, however, this "measurement" means the acquisition of information about a given physical system. This information generates the image of our world as we see it in every, without exception, aspect of it.

The existence of all living organisms is based on information. Without it, life cannot exist. Gathering information accompanies every individual living being since the beginning of its existence, and maybe even earlier. Moreover, every species of living beings bases its existence on collecting, processing and transmitting information (Greene, 2020; Nagle, 1979). The more information an organism collects about the environment in which it lives, the easier it finds it to adapt to reality. The greater its chances for survival. The more information it collects during its lifetime and passes on to its descendants, the better chance its next generations have of

dominating its habitat. Hence, the basis of life is located in the deoxyribonucleic acid (DNA) and ribonucleic acid (RNA) chains, which contain the collection of genetic information necessary for the origin and development of living organisms and viruses. Again, this is information. So, life begins with information.

Our lives, whether we want it or not, regardless of our consciousness, revolve around information. In the beginning, information was needed by humans only for survival. We gathered knowledge about the laws that governed the nature around us, so as not to be dominated or killed by others, to get food, the properties of which we also had to learn, so we gathered information about it. We learned to use nature for our own needs - we discovered the power of a stick and the power of a stone. We discovered that living in a group is safer than living alone. Over the centuries, we have mastered matter to the extent that we can not only survive, but dominate other species. This fundamental knowledge was based on information accumulated over years and centuries in the form of observations, insights, and experience. At the same time that we were acquiring the utilitarian knowledge necessary for our existence, we were learning and discovering social relationships. As time went by and we mastered the art of physical survival to perfection, gradually the study of social relations, the acquisition of knowledge and experience in this area, played an increasingly important role. The evolution of these relationships is a perfect example of the importance of information in social life. We first discovered that the physical strength of an individual is a determinant of group relations. Over time, it became apparent that physical strength need not be the sole determinant of such a position. The strength of an individual began to be determined by qualities beyond the physical. The one who had more information, that is, who knew more, had more experience, knew more, could dominate even those physically stronger than himself. Probably parallel to this discovery also came the manipulation of information. For the strength of an individual can also be determined by the skillful control of information or its flow, even if it is not true, as well as even if it is not used for legitimate, worthy purposes. Becoming a leader guaranteed a certain social status and associated benefits. Probably such were the beginnings of the formation of the social structure of modern societies. Thus, social relations were also built on the basis of information and its processing.

Regardless of the transformation of social relations within individual societies, acquiring, processing and using information began to play an increasingly important role also in relations between nations. Scientific discoveries and inventions made over the centuries have led to a differentiation of nations and societies. Those that had previously made discoveries, that is, acquired new, specific information, obtained it or used it to modify the knowledge already possessed, gained a military, economic and social advantage. Battles and wars were won by those better informed. This knowledge lies at the basis of the strong position of, for example, England, Spain and Portugal in the 15th and 16th centuries. Examples could be multiplied. Geographical discoveries of these countries were possible only thanks to the development of science, experiments, research. It was no different in the 19th and 20th centuries, when scientific discoveries contributed to the industrial revolution and development of selected countries on an unprecedented scale. Less informed societies must always - in one form or another - yield superiority to those who dominate them informationally. It is no coincidence that intelligence and counterintelligence also played a special role in the 20th century. The dynamic development of technology is usually accompanied by an intense growth of social consciousness, and consequently by revolutions or evolutions of social relations. This phenomenon in history as well as in modern times generates pro-freedom movements, discussions on the limits of equality and tolerance. These movements are accompanied by strong social polarization additionally fuelled by differences in education, views and experiences of individuals and entire social groups. It is hard not to notice this in contemporary USA, Spain, Hungary, Poland, Germany or Great Britain.

The vastness of knowledge available to people today exceeds the ability of an individual to know it. At the same time, the almost 8 billion population of mankind is constantly increasing the amount of information and giving it new dimensions, meanings and interpretations. Each dimension, meaning or interpretation of already existing information is a sea of new information. Their multiplication is growing exponentially. In order to take advantage of these enormous data resources, man has invented a technology that makes it possible to tame the almost infinite amount of information that we are flooded with every day. Information, like everything, can be pigeonholed. Everything can be methodically sorted, it is only a matter of criteria according to which we try to order the information chaos. Today we are no longer able to collect all available information but we can try to concentrate selected information in a certain place and process it. Humanity's realization of the importance of access to information and its processing is a characteristic of the 20th century. The creation of technology that enables the collection of huge amounts of data and its efficient processing is a milestone in the development of civilization. Although from the beginning of mankind information has ruled us, we became fully and deeply convinced about it only in XX century. For sure in XXI century we will use and develop this knowledge (Doktorowicz, 2005).

II. RELIABILITY OF INFORMATION

The growth of awareness of the importance of information in our lives has been accompanied by the experience that information is useful only if it is true. Incomplete information, characterized by subjective perception of reality, unreliable, inaccurate distorts its meaning. Intentional provision of such information that does not correspond to reality constitutes manipulation and may be more dangerous than lack of information (Sadouskaya-Komlach, 2021; Sareło, 1996). As experience teaches, many times determining the truthfulness of information is more difficult than obtaining it. As mentioned above, science develops by obtaining information, processing it and verifying it. It is worth noting that in science, knowledge that has been tested and positively verified is equally valuable as knowledge that has not passed the test of practical verification. Experiments that have falsified theories allow conclusions to be drawn about the directions and methods of further or different research. Thus shortens the path of investigation to information closer to reality, however we understand it (Which doesn't always mean true). Determining the veracity of information is deceptively similar to the search for objective, absolute truth. Philosophers have already filled hundreds, if not thousands of books with theories striving to find the truth, proposing various methods of its discovering, but we still have no certainty if the knowledge we have is true, even if it is verifiable and tested, correct in specific conditions. In everyday life, however, it is sufficient for a person if the information he obtains is consistent with his knowledge and experience, or at least if he has a subjective feeling that the probability of its positive verifiability is high. Hence, even in everyday activities, knowledge and experience are crucial to assess the veracity of information. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council may serve as a certain illustration of this phenomenon (OJ L 149, 11.6.2005, p. 22 – 39). On this basis, the legislator defines the limits of protection of average consumers. Thus, the first criterion for assessing the veracity of information is knowledge and experience, that is, nothing else than a collection of information gathered over time leading to a certain level of awareness of the individual by society. Comparison of newly acquired information with previously accumulated information allows initial verification of the information. Awareness - especially of the limitations - of one's knowledge and experience allows one to assess the reliability of one's judgments of the veracity of new information. Unfortunately, the confrontation of individual knowledge and experience with the dynamic development of science, which entails the equally rapid development of technology and affects the complexity of the surrounding things and phenomena, including social, economic, and economic puts the individual in many cases at a losing position. Today, even an above-average person is not able to keep track of the progress of knowledge and science in every area of life. With this in mind, we introduce specialized legal institutions, bodies and control mechanisms, whose task is to watch over the veracity of the information provided. And so, just to give you an example, the Financial Supervision Commission, the President of the Office of Competition and Consumer Protection, the President of the Public Procurement Office, the President of the Energy Regulatory Office, the National Broadcasting Council, the media, especially the public media, but also courts watch or should watch over the credibility of information provided in the market. Of course, they do it at different levels of society and in different scopes, but the essence of their activities is de facto and de jure verification of information provided by the participants of a given market or trade. It is on the basis of this information that we make countless decisions every day. In this context, the credibility of the activities of such institutions should be unquestionable. This is because it guarantees stability of both the legal system and social relations.

Nowadays, the issue of information overload is closely related to the problem of information credibility. Information overload can lead to information chaos, especially when there are discrepancies between information, and this in turn creates uncertainty about its veracity. Fortunately, the monopoly of the public media to provide information has been abolished, and private broadcasters and the Internet make it possible to effectively diversify access to information, opinion and commentary. However, as experience teaches us, both the information monopoly and the strong multiplication of information sources are potential threats to the individual and society as a whole. Maintaining a balance in this regard seems to be an important task of the state. In this context it is worth noting that the technology used to collect and process data is used by states, entrepreneurs as well as individuals.

III. INFORMATION AND THE STATE AND THE INDIVIDUAL

States collect all data to ensure their security both in internal and external, international relations. It is about the security of the states themselves as well as their citizens. Public law regulations play a key role in this regard.

As a rule, the flow of information should be bilateral in these relations. On the one hand, the state has the opportunity to collect information about the activities of its (and not only) citizens, on the other hand, citizens should be provided with the right of access to this information and information about the activities of the state. Obviously, access to information about citizens is limited by the limit of their privacy, while access to information about the activities of the state is limited by the limit set by the clauses of confidentiality, public security, order, etc. In the European Union, the limits of the protection of citizens (including citizens acting in various roles, also as entrepreneurs) are determined primarily by the RODO regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), OJ EU L 119/1, 4.5.2016), but also by national civil law regulations, or defined by competition law (in Poland by the act on combating unfair competition) as company secrets, while the limits of the state's information security are provided by numerous specific regulations concerning broadly defined state security, including first of all the act on protection of classified information.

The state collects all kinds of information at basically every possible level. Some of this information is dispersed (e.g. city monitoring), some is accumulated in one, even virtual place (e.g. most public records). Every application we make in any administrative matter contains a wealth of information about ourselves and our intentions. Registration of a motor vehicle, registration of a company, association, foundation, application for a business activity, application for a building permit, paid taxes, paid fees for particular legal actions, marriage, birth of a child, etc. allow you to keep track of our activities. Irrespective of this information, which we ourselves make available to the public administration when carrying out our own plans, we constantly provide the authorities with data about ourselves on the basis of the fees we pay, the taxes we pay, but also by performing other public law obligations (updating information concerning our place of residence, marital status, obligatory participation in the census), or by exercising certain public subjective rights. Even the most trivial activity of our daily life leaves an information footprint. Municipal companies collect information about our water consumption, companies controlled by public authorities collect information about electricity, heat or other energy carriers consumed. In spite of appearances, on the basis of these data we can also learn a lot about everyday life of the society, and often also about life, preferences and habits of many of us. Telecommunication network operators or internet service providers collect data about our phone calls, sms, mms, internet connections, and moreover they are able to determine (and track on an on-going basis) our location, most frequently travelled routes, and on the basis of these data they are able to determine with high probability our schedule of activities or behaviors in any time scale. Similarly, banks, insurance companies and other financial institutions collect huge amounts of information about us. Some of them belong to the State Treasury, others to local government units, but a large part belongs to the private sector. Even if a given entity is not a public entity (state or self-government), it is usually subject to state supervision and in certain legally defined cases state services may gain access to information gathered by these non-public entities. Information collected in this manner is generally accurate. Consumption of water and other utilities, our movements as determined by geolocation or city monitoring, may be mystified, but in the vast majority of cases corresponds to our life activities. Applications and statements to public authorities are most often submitted under the rigor of criminal liability for providing false information. Bearing in mind, above all, the capabilities of the state apparatus, it is in our interest to provide the state with true information about ourselves.

Striving for information balance, citizens also have the right to be informed about the activities of the state, public authorities or entities carrying out public tasks. Usually, already at the level of constitutions of EU Member States, a citizen has the right to obtain information on the activities of public authorities and persons performing public functions. The right to obtain information most often includes access to documents and entry to meetings of collective bodies of public authority coming from universal elections, with the possibility of audio or video recording. Detailed rules of access to this type of information are the subject of statutory regulations (Council of Europe Recommendation No R(81) 19 of 25 November 1981 on access to information held by public authorities; Council of Europe Recommendation No R (91) 10 of 9 September 1991 of the Committee of Ministers on the disclosure to third parties of personal data held by public authorities; Council of Europe Recommendation No (96) 10 of 11 September 1996 of the Committee of Ministers relating to safeguards for the independence of public service broadcasting). In light of the regulations outlined above, persons performing public functions, especially politicians, are obliged to provide information about their activities. Conducting an interview or sharing an answer to a journalist's question, no matter how inconvenient, if not especially to such a question, cannot therefore be a manifestation of the good will of a person performing public functions, but is instead a legal obligation. For one of the principles of public law is openness, which is supposed to ensure the smooth flow of information that is key to a harmonious social life. The degree to which this principle is realized depends on our interest in public affairs and our persistence in seeking information that interests us. To what extent this principle is realized in practice I leave to the judgment of the reader.

IV. THE MEDIA

Taking into account the organization of modern societies, access to information about the activities of the state, its authorities and institutions, as well as any events taking place in the country and around the world is based primarily on the activities of the media (television, radio, press, and the Internet). The average citizen does not have direct access to the people who run the state, the region, or even the city in which he or she lives, or at least this access is significantly limited. This, of course, is fully justified and understandable. Similarly, it is obvious that we do not participate in all events taking place in the region in which we live, not to mention events taking place in the entire state (It should be noted that the mass media also allow participation in events to a certain extent, if only in a passive way. At the same time, many times the organization of certain events is based on their dissemination through the media). Consequently, we naturally glean information about people and events, whether local, regional, national, or global, from the mass media. Often on the basis of this information we form an opinion, an opinion about other people and events. They exert a significant influence on our perception of reality, and for many people they are even the basis of their ideas about the surrounding world. This phenomenon plays a fundamental role in assessing the media and their contemporary role. In the context of the functioning of the state, its internal structures, including professional and sectoral self-governments or local government, their cardinal role is difficult to ignore. The role of the media obviously goes far beyond that (Olszewski, 2017). Hence, they are sometimes referred to as the fourth estate (Nentwig, 1995; Aleksandrowicz, Andruszkiewicz & Breczko, 2017; Niżyńska, 1998; Lawson, 2002; Franklin, Carter, Wright, 1985). The importance of the media has been noted and emphasized many times in numerous resolutions and recommendations of the Committee of Ministers of the Council of Europe (see for example: Recommendations Adopted by the Committee of Ministry of the Council of Europe in the Media Field, Director of Human Rights, Strasbourg 1988; Resolution (74)26 on the Right to Reply – Position of the Individual in Relation to the Press Adopted by the Committee of Ministers on 2 July 1974 at the 233rd meeting of the Ministers Deputies [w:] Recommendations and Declarations Adopted by the Committee of Ministers of the Council of Europe in the Media Field, Directorate General of Human Rights, Strasbourg 2000; Recommendation (81)19 of 25.11.1981 indicating the necessity of ensuring access to public information. See also: Golka, 2000). or in regulations of the European Union (See, in particular, Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (so-called Audiovisual Media Services Directive), 15.4.2010, OJ L 95/1; Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (89/552/EEC); Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive); Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive). See also European Commission Communication 2020/C 223/03 of 07 July 2020 on the Guidelines under Article 13(7) of the Audiovisual Media Services Directive for the calculation of the share of European works in on-demand service catalogs and the definition of small audience and low turnover. Cf. also Protocol on Public Broadcasting in the Member States (O.J. 1997, C 340) so called Amsterdam Protocol, Protocol to the Amsterdam Treaty of 1997 97/C 340/01; European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, OJ 1993.61.284). The importance of access to information through the media has also been the subject of many rulings by the European Court of Justice (ECJ) (See, e.g., ECJ judgment in Joined Cases C-320/94, C-328/94, C-329/94, C-337/94, C-338/94 and C-339/94, Reti Televisive Italiane SpA (RTI), Radio Torre, Rete A Srl, Vallau Italiana Promomarket Srl, Radio Italia Solo Musica Srl et al. and GETE Srl v Ministero delle Poste e Telecomunicazioni, EU:C:1996:486; judgment of the CJ of 2 June 2005. (C-89/04, Mediakabel BV v Commissariaat voor de Media, EU:C:2005:348). Also the Protocol on the system of public broadcasting in the Member States, added by the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (OJ of 2004, No. 90, item 864/31, in connection with Poland's accession to the EU) emphasizes the special role of the media.

According to Article 14 of the Treaty on the Functioning of the European Union (OJ C 202/47, June 7, 2016), one of the specific shared values of the European Union and its Member States is to ensure that services of general economic interest can be provided. Both the European Union and the Member States have a Treaty obligation to ensure that the providers of such services have all the means, including financial and economic, to provide them. Public service broadcasters can undoubtedly be considered as such operators (Skrzypczak, 2015). With this in mind, the European Commission, in its 1996 Communication *Les services d'intérêt général en Europe*, pointed out that "the broadcasting media play a central role in the functioning of modern democratic societies, particularly for the development and transmission of social values (OJ C 281, 26.09.1996, p. 3). Therefore, the

broadcasting sector has been subject to specific regulation in the general interest since its inception. This regulation is based on universally recognized values such as freedom of expression and right of reply, pluralism, protection of copyright, promotion of cultural and linguistic diversity, protection of minors and human dignity, and consumer protection." (Similarly, with regard to the fulfilment of the public mission and the serving of the public interest by the public media: Recommendation of the Committee of Ministers of 11. September 1996 on guarantees of independence for public service broadcasters; Recommendation of the Committee of Ministers of 31. January 2007 to the Member States on the scope of the remit of public service media in the information society; Recommendation of the Committee of Ministers of 2012 on governance in the public media). Similarly, in its Recommendation CM/Rec (2007) 3, the Committee of Ministers on the mission of public service media in the information society stressed that "when introducing new funding schemes, Member States should pay due attention to ensuring that programming and content serve the public interest and the common interest." In its 2018 recommendation, the Committee of Ministers also highlighted the particular importance of freedom and pluralism in the media, noting that "these concepts are also central to the functioning of a democratic society, as they help to ensure the availability of a variety of information and views on the basis of which individuals can form and express their opinions and exchange information and ideas." (Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency in media ownership (see also: recommendation CM/Rec (2011)7 of the Committee of Ministers to Member States on the new concept of the media). The media, including the public media, are subject to a wide range of regulations, including rulings, recommendations and recommendations by basically every European body, court and institution. Their direct relationship with the principles of democracy, the rule of law, transparency of public life, the pursuit of public interest, respect for human dignity, is raised in every commentary, ruling, or regulation that deals with the media (Skrzypczak, 2015; Węglińska, 2019; Niewęglowski, 2021; Doktorowicz, 2010; Declaration of the Committee of Ministers on the protection of journalism and the safety of journalists and other media actors, adopted on 30. April 2014 at the meeting of the Delegates of Ministers. Cf. judgment of the European Court of Human Rights, *H. v. the United Kingdom* (judgment of 17. December 1976, (Application No. 5493/72)); resolution of the panel of 7 judges of the Supreme Court of 18. February 2005, III CZP 53/04; judgments of the Constitutional Court of 12. May 2005, SK 43/05, OTK-A 2008, No. 4, item 57 and of 30. October 2006, P 10/06, OTK-A 2006, No. 9, item 128).

According to Polish law, the basic task of the media is to provide information. In addition to providing information, the media are also tasked with providing access to the goods of culture and art, facilitating the use of education, sports and scientific achievements, popularizing civic education, providing entertainment and supporting national audiovisual creativity. Since the work of a journalist is immanently linked to the activities of the media, regulations adopted in the press law are not without significance. Here, too, the importance of access to objective, reliable information in the life of society is definitely recognized and honored.

Public Media

According to EU regulations and the majority of national legal regulations of EU member states, the key role among the universal media is played by the so-called public media. Their special role stems from the fundamental problem of access to any information, which was mentioned above. It is a question of credibility of information. Information itself, without certainty as to its truthfulness, including completeness and objectivity would be useless. Having such information at our disposal we don't have any information at all. Hence, manipulation of information, whether intentional or accidental, is an extremely dangerous phenomenon. Under the provisions of the World Charter of Ethics for Journalists, established by the International Federation of Journalists (IFJ), distortion of reported information constitutes serious professional misconduct by a journalist (Article 10 of the Charter). As any information determines our behaviour, it allows to control the whole society or its particular groups. Hence, the provision of information is connected with special responsibility for its content and form. Public media, which are financed from public funds, are supposed to serve the entire society and not particular interest groups. Therefore, they should be independent in every respect from any pressure groups, especially from those in power. Responsibility for the credibility of public media lies with the state and the journalists who work there. It is the state, through the public administration bodies responsible for media matters, that should ensure the neutrality and objectivity of public media. In this context, however, the responsibility of journalists themselves for the work they do must not be forgotten (McQualil, London 2010). In sum, the independence of the media, especially the public media, is in the interest of both the state and its citizens. Since public authorities have a direct impact on the independence of the media, one could say that the state and the media in general, and the public media in particular, are the same.

Having the above in mind, the feature that distinguishes the public media from the other media is usually the realization of the so-called public mission, which is usually defined as offering, specified by law, to the entire society and its particular parts, diverse programs and other services in the area of information, journalism, culture, entertainment, education and sports, which are characterized by pluralism, impartiality, balance and independence

as well as innovation, high quality and integrity of the message. The realization of the public mission is to serve the public interest. Although its understanding is variously interpreted, the definition of public service is relatively unambiguous in this context. Leaving aside technical and programmatic issues, regardless of the target audience, audiovisual services provided by public media must be characterized by pluralism, impartiality, balance, independence, as well as innovation, high quality and integrity of programming. Pluralism in audiovisual services means the obligation to ensure comprehensive, full and complex presentation of information on a given issue, presenting the entire spectrum of views on a given issue with the possible participation of all interested parties or at least representatives interested in the topic covered by the broadcast (Sareło, 1996). This means that programs and other services provided by public media in the fields of information, journalism, culture, entertainment, education and sports are to be characterized by pluralism. Pluralistic presentation of views and information avoids the perception of public media as state, government media (Mielczarek, 2007). Hence, the pluralism of public media is closely related to the issue of their depoliticization (Giereło-Klimaszewska, 2010). It is worth emphasizing here that the principle of pluralism does not include only political issues but all matters covered by public media, especially social and cultural ones. Pluralism serves the purpose of access to various information, views and assessments. Thanks to this, viewers can form their own opinions based on reliable and objective information (Recommendation CM/Rec 2018/1 of the Committee of Ministers to Member States on media pluralism and transparency in media ownership, adopted on 18. March 2018).

The principle of pluralism is closely related to the principle of impartiality, which unequivocally prohibits the public media from presenting issues one-sidedly (McQuaill, 1992). As practice shows, the impartiality of the public media does not only concern the information they provide, but also the editorial staff. It seems that pluralism and impartiality in fulfilling the public mission is only possible if there is a proper balance of views in the editorial offices of the public media, otherwise they are doomed to broadcasting biased information materials. The literature rightly emphasizes that in addition to such a balance, editorial offices of any media, especially public media, should be characterized by autonomy (Giereło-Klimaszewska, 2010). It is a guarantee of independence from external factors, including the owner of a given broadcaster. A journalist, especially in the public media, should be free from pressure from the owner of the radio or television station or press title, but also independent from others, including journalists in the same editorial office (some authors argue that a journalist's independence is a guarantee of free speech (Szot, 2010; Sobczak, 1993)). This is particularly important in the public media. While the editorial staffs of private media may represent a particular point of view, prioritize and evaluate the information they receive according to their own values, such behavior is unacceptable in the public media. The literature points out that as competition in the media market increases, so does the role of public media. In the era of dynamic growth of information sources, public media, while reliably pursuing their public mission, should not strive but maintain neutral objectivity in conveying information (Chałubińska-Jentkiewicz, 2009). It must be stressed that journalistic autonomy, regardless of whether a journalist works for the public or private media, does not exempt them from the obligation to present facts fairly and objectively, regardless of their personal attitudes toward the material they publish. Information about facts should be objective and any commentary clearly separated from factual information.

The public mission carried out by the public media is to serve the entire society, not just selected groups (Paragraph 1 of Recommendation CM/Rec 2018/1 of the Committee of Ministers to Member States on media pluralism and transparency in media ownership, adopted on March 18, 2018). By the same token, the public media cannot use their programming to divide society or to emphasize differences that antagonize it internally. The program can be dedicated to particular social groups because of their age, gender, occupation, language, culture, ethnicity, religion, sexual minorities, etc., representatives of particular branches of the economy, or representatives of particular spheres of culture or sports (Paragraph 9 of Recommendation CM/Rec 2018/1 Committee of Ministers to Member States on media pluralism and transparency in media ownership, adopted 18. March 2018). Radio and television programs or programs (in the case of thematic stations) that are formatted in this manner are intended to serve society as a whole (Niewęglowski, 1996).

It is also worth noting that European press law regulations require journalists, regardless of whether they work for public or private media, to exercise particular care and integrity when collecting and using press materials (Szot: 2010). In addition, the World Charter of Ethics for Journalists states that it is the task of journalists to provide reliable and impartial information and diverse opinions and to enable participation in public debate, and that the interests of readers, listeners and viewers and the public good should take precedence over the interests of the author, editor, publisher or broadcaster. Information should be clearly separated from interpretation and opinion, and should be balanced and accurate, so that the viewer can distinguish fact from conjecture and rumour, and it must be presented in its proper context and be based on reliable and as many sources as possible. At the same time, European law allows for the publication of fair and socially consensual criticism of scientific or artistic works or other creative, professional or public activities. Such criticism serves to realize the principle of freedom of speech and realizes citizens' rights to reliable information, openness of public life and social control. Certainly,

however, the criterion of reliability is not met by an illusory objective presentation of facts, a biased selection of information which, although it cannot be qualified as subjective individually, when juxtaposed with other information creates a holistically false picture (Joachimowski, 1998). This phenomenon is much broader and includes not only the information itself, but also the program frame in which specifically selected information, comments, or opinions are presented. Such practices are also prohibited by the aforementioned code of journalistic ethics, according to which, among other things, opinions may be biased but not distort facts or be the result of external pressure. Information presented in such a way, not to say crafted, in a technically attractive form, often accompanied by a more or less intelligent point, has a strong impact on the audience, creating or reinforcing their belief in the validity of the journalistic materials presented. However, given the social impact of the media, and especially the scale and strength of that impact, the consequences of dishonest journalistic work reach much deeper into the social fabric than average illegal behavior. This is where the special power of information, information provided on a mass scale and by media trusted by the public, manifests itself. It is not without reason that media are perceived as the fourth power, although in this context, their place in the hierarchy of power seems to be definitely underestimated.

Although this is a topic for a separate article, regardless of the obligation to maintain independence and objectivity (Incidentally, it is worth noting that in this respect the position of the journalist is similar to that of the judge. Published journalistic material influences its audience to a similar extent as a judgment issued by a judge against the defendant and his or her relatives. When the journalistic material concerns an individually designated person, the similarities seem even closer. Chmielewski, Czerniak, Niżnik & Rainko, 1985), every journalist (and not only journalists) should show respect to the people they talk to, regardless of their ideological, cultural or moral differences. It sounds like a truism, but the practice of daily interaction with the media shows that these banal truths are increasingly out of step with reality, dangerously approaching the shores of Utopia. Of course, this does not mean an obligation to agree with the views of interlocutors. Just like honesty, respect and showing it are relevant concepts, however, in the canons of our culture we cannot interrupt speech, use ironic tone, or disrespectfully refer to the invited guests, even when the temperature of the dispute reaches its zenith (Unfortunately, in recent times we have increasingly witnessed canons changing in this regard). Such a way of conducting a conversation is not conducive to listening to the other party's arguments, but rather leads to unnecessary escalation of tension and verbal confrontation. It should be emphasized that the journalist's obligation under the journalistic code of ethics is to respect the interlocutors. Respect by and for the other participants in an interview usually stems from or reflects their personal culture. Regardless of the regulations of the code of journalistic ethics, this naturally also applies to the journalist. Involving a journalist on one side of a dispute does not help the journalist maintain objectivity or create a constructive atmosphere in the conversation. It should be remembered that the journalist's task is not to manifest his or her own views but rather to allow the invited guests to present their opinions (The background of the possibility of expressing a journalist's view on a given issue in the media, two American and European models emerged. The first model prescribes the separation of information from journalistic commentary, while the second allows for a combination of information and commentary. Currently the differences between the models are blurring in favor of the European standard (For more on this topic see: Doktorowicz, 1989; Michalczyk, 2008; Mrozowski: 2001; Hallin & Mamcini, 2007). At the same time, it is worth emphasizing that the World Charter of Ethics for Journalists places an obligation on journalists to ensure that the dissemination of information or opinions, including during journalistic broadcasts, does not lead to hatred or prejudice, or facilitate the spread of discrimination, including on the basis of geographic, social or ethnic origin, race, gender, sexual orientation, language, religion, disability, but also political views (Section 9 of the Charter). Thus, in the case of radio, television, or Internet broadcasts, it is the journalist, as the host of the broadcast, who should ensure that certain standards are maintained by all participants in the discussion, regardless of their personal views and beliefs.

V. INFORMATION IN ECONOMIC RELATIONS

The above-mentioned issues refer to the collection and processing of information in the public dimension. The collection of data by the state and the processing of information by the media, especially the public media, are of fundamental importance for the functioning of the state and society. In this respect, the so-called "public interest" is particularly well visible. The right to reliable information in this dimension can be seen as a public subjective right.

However, information is also collected and processed by other entrepreneurs, not only those active on the media market. Every entrepreneur wants to disseminate certain information about himself and his offerings (products or services). This is where advertising and marketing come in handy. Every entrepreneur also wants to acquire information about his contractors, competitors, the market on which he operates, often also about the

consumers to whom he directs his offer or people who may or - in his opinion - should be interested in his offer. This is where market research is needed. At the same time, entrepreneurs wish to keep certain information about themselves confidential. It is natural, because of the need to protect their patents, inventions, ideas or adopted, effective solutions. Nobody wants to disclose information about their weaknesses or failures. This weakens the image of the entrepreneur and usually has a negative impact on his/her market position. Acquiring information, managing it and passing on appropriately selected and formatted information to third parties is therefore a natural phenomenon in business dealings. Information flows here in two directions: on the one hand, the entrepreneur wants to provide the market with specific information about himself and keep confidential those whose disclosure could be disadvantageous for him (i.e. business secret) or adversely affect his image. On the other hand, the entrepreneur aims to obtain as much information as possible about the market (especially its participants) on which it operates or intends to enter. The second direction of the information flow is to some extent monitored by the state, but a lot depends also on the market participants themselves, on whose prudence depends how much information about them the entrepreneur can collect.

Every future entrepreneur should prepare a business plan before starting his/her activity. Developing a business plan requires gathering and thinking about the entire spectrum of legal, economic, financial, sociological, market, logistical and other aspects related to the planned venture (Tokarski, Wójcik & Tokarski, 2017). All, including such exemplary elements of the business plan as market research, including assessment of market needs, search for an appropriate market niche, assessment of one's position in relation to competition and consumer expectations are based on collecting and processing information, sometimes a surprisingly large amount of information. Further, in the framework of the activity already conducted, information processing by the entrepreneur takes place primarily at two levels. The first is determined by relations with other entrepreneurs, including competitors, and the second by relations with consumers.

Information about the entrepreneur

The importance of information at the first level can be seen in both individual and market relations. Every entrepreneur striving to achieve their goals enters into various legal relationships, which de facto constitute an instrument that allows them to achieve them. Making a legal transaction is usually preceded by an analysis of information about the counterparty, its credibility, the type of transaction that is to be made, its effectiveness from the point of view of the assumed objectives and other factors that are to optimize the entrepreneur's activity (Mruk, 2003). Like any analysis, this one is based on the information gathered. While the choice of a legal action and prediction of its legal and factual effects is a relatively objectivized matter, the assessment of the counterparty and its behavior in performing the obligation in the future is much more difficult to predict. The law provides for instruments that make it possible to verify the legal status and to some extent the financial status of an entrepreneur, mainly through various registers, but they usually do not provide a full picture of a potential counterparty, especially its time, economic and financial capacity, human and material resources, in a given period of time, in which a joint venture would be carried out. In other words, unfortunately there are no legal instruments allowing to check the credibility of contractors with one hundred percent certainty. The best legal safeguards, institutional or contractual, do not guarantee the success of the investment if the contractors turn out to be unprofessional, unreliable. In this respect to some extent "soft forms" of credibility control, i.e. market information, come to the rescue. First of all we should pay attention to business intelligence, which allows us to reach also to less official information about the future counterparty. Regardless of the methods of acquiring information as part of business intelligence, environmental information is also extremely helpful. What is said about an entrepreneur, how he/she is perceived by the environment in which they operate, often determines the market behaviour of their potential future business partners. Based on comments and opinions collected from former or present co-workers, consumers and contractors, the image of a given entrepreneur is created, which may be stronger than the information contained in official records. An extraordinary role in this respect is obviously played by the Internet, which allows to post countless remarks, observations, comments and opinions about each entrepreneur. And here, like a boomerang, the issue of credibility of the obtained information returns. As it is the case with media, also in business relations false information may cause far more far-reaching negative effects than a simple lack of information. Incorrect information may lead to a failure to enter into a desired legal relationship as well as, by entering into legal relations, lead to difficulties for the entrepreneur, up to and including bankruptcy. An excellent example of the importance of information about a given entrepreneur for contractors and consumers is the capital market (Blicharz, 2016).

Consumer information

Equally important in the activities of entrepreneurs from the point of view of their information processing is the second of the above-mentioned planes, i.e. relations with consumers. In this respect, entrepreneurs are interested in providing them with specific information about their products or services, but also in obtaining information about consumers, their behaviour and needs. There is a close relationship between these two messages of information - i.e. about the trader to the consumers and about the consumers to the trader. Knowing consumers,

traders are able to adapt their activities to their needs, and often, with the help of sophisticated psychological and sociological mechanisms, they can also create market pressure on consumers, creating the need (often alleged) to have certain products or services offered by them. Persuading a consumer to purchase certain goods or services, especially those unnecessary for him, usually requires knowledge of the average target consumer, to whom the information will be addressed, and providing him with precise information given in an equally precise form and time. Creating a specific climate, creating an appropriate atmosphere, whether at the point of sale or in the media reality, often requires thorough research and analysis of behavior and specificity of a particular target group of consumers, whose interest the trader wants to arouse (Wiewiórowska-Domagalska & Kunkiel-Kryńska, 2019; Osajda, 2014; decision of the President of the OCCP of 30. December 2015, no. DDK 30/2015; decision of the President of the OCCP of 13. November 2013, no. RPZ 37/2013). As a result, while building their image or shaping information about the product (service) they offer, entrepreneurs take into account many factors, including, among others, age, gender, sexual orientation, place of residence, religious beliefs, profession, political views, openness to new technologies and other factors (behavioural tolerance limits), education of the target group, time spent on the Internet, including social media, and even the time of year when the information will be made public. Then, on the basis of these data, the content, form and timing (time of day, frequency and length) of the information is shaped, including, of course, the choice of the medium through which the information will be transmitted.

Despite appearances, the choice of medium is as crucial as the other factors mentioned above. The message is built differently in traditional media than in electronic media, whose activity is based on the Internet. In the former case, the message is usually centralized (shaped only by the sender) and passive (addressees do not correspond with the sender), while on the Web, the message may be dispersed and active (interactive). The characteristics of an online recipient are also different from those of a traditional media recipient. Specialized advertising agencies, as well as opinion polling institutes, are helpful in building the image of an entrepreneur, recognizing his company and its offer. Although in the light of European regulations and the case law of the Court of Justice, the average consumer is a sufficiently well-informed, cautious and attentive person (Social, cultural and linguistic factors specific to each EU Member State shall also be taken into account when assessing whether a person is deemed to be an average consumer.), when confronted with a trader who is so prepared, i.e. well-informed about the average consumer, the individual average consumer is definitely the weaker party. With this in mind, the European Union has introduced solutions aimed at maintaining an information balance between the trader and the consumer. Hence the requirement to provide certain information to the consumer at his request (as well as without such request) already before the conclusion of the contract (i.e. Article 5, Article 6 of Directive 2011/83/EU (Directive of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, Official Journal of the European Union L 304/64 of 22.11.2011), with respect to service recipients e.g. Article 21, Article 22 of Directive 2006/123/EC (Directive of the European Parliament and of the Council of 12 December 2006 on services in the internal market, Official Journal of the EU L 376/36 of 27.12.2006). Irrespective of the information obligations imposed on traders, consumers are also granted a relatively broad spectrum of rights vis-à-vis the trader, including the possibility to withdraw from the concluded contract within a certain period of time and without giving any reason (e-commerce). European consumer protection in this area is significantly stronger than, for example, in the USA or China.

Electronic infiltration

Recently, however, businesses have gained the ability not only to obtain information about consumers, but also, to a surprisingly large extent, the ability to influence their behavior, and not only market behavior. It's thanks to infiltration on a wider scale and definitely deeper than the one that took place with the use of traditional methods so far. The basic tool in this respect turned out to be various applications installed in our computers and phones as well as Internet platforms and our activity on the web (To a lesser, but not insignificant extent, we provide entrepreneurs with information about their activities, e.g. shopping through a system of discount cards, membership cards, club cards, etc.). Most of us use a variety of applications on our computer, but also on our phone and other electronic mobile devices. The coronavirus epidemic has accelerated the already rapid process of getting us accustomed to using the conveniences these types of tools provide. Programs to transfer files, messages, connect with selected people or specific communities, local, regional, or even global, have not been a novelty for many years now. At the same time, we have quickly learned to reach for information online. We read local, national and international news, we look for interesting facts, we discover that thanks to some services we can explore our interests, develop our hobbies, discover the world. The next generations are moving away from traditional media, focusing on the message served on the Internet. Of course, there are also other applications that serve this purpose. Pandemic restrictions have moved commerce to the web on an unprecedented scale (The growth of online shopping (also known as e-commerce) in Poland in 2021 is estimated to be around 8% annually (see

<https://www.statista.com/outlook/dmo/ecommerce/poland> for more details). In 2018, online shopping in Poland accounted for 56% share of total sales, in 2019. - 62%, and in 2020. - 73 %. The trend is upward, steady and worldwide - cf. data: "Global Cross Border B2C e-Commerce Market 2020: Report highlights & methodology sparing" AliResearch 2016 (see also: Gemius Poland 2020 Report: E-commerce in Poland. Gemius for e-Commerce Poland"). Numerous applications record our sports activities, measure when and how fast we move, including which means of transportation we use most often. They know our heart rate, pulse rate, blood oxygen saturation, whether and when we are nervous, tense or relaxed, how long we spend on the Internet, what sites we visit, what we buy, whether we are interested, where we log on to the network, what information we collect. Applications remember our preferences, habits, know our calendar, know when, where and with whom we meet, when we have an appointment with a doctor, what specialty, what movies we watch on what platforms, remember our home and mailing address, know our phone number, remember our login and often also the password to our electronic mail accounts, They know if we are married or in another informal relationship, with whom we live, if we have siblings, children, what our financial status is, with whom we have regular and occasional contacts, they have access to the data of our friends and family members that we have stored in electronic devices, etc., etc. Thanks to (but not limited to) embedded geolocation devices, numerous applications are able to determine our location, speed, and direction of movement, and based on continuously collected historical data, they can map our routine and spontaneous movement activities on any time scale (Famous and well-known situations have occurred in which the location of military bases in the Middle East was revealed by soldiers of these bases who, while playing sports, used sports apps that tracked their location and activity. It is worth noting that these data were collected by the app providers even when the soldiers had their GPS location recording system turned off). The photos, videos, descriptions, comments, impressions, observations, diaries, etc. we post online and in apps will never disappear. Even more information about ourselves, including sensitive information, is left online by people who use dating sites and other social networking apps. Many applications make the possibility of their installation dependent on access to our data contained in the devices (all synchronized under a given account) (When multiple devices are synchronized with a single electronic account, the app can access relevant data across all of those devices) such as contacts database (which usually includes not only the name and surname of our friends, but also their telephone number, e-mail address, accounts and their addresses in the network, their birth dates or name days, and sometimes their home addresses), photo and video galleries, often also access to a microphone or camera. All of this, of course, is voluntary. It is surprising how easy it is for us to agree to access this information, while in other circumstances we would not agree to share or disclose our least important personal data (Research on how often we read contract terms in applications (including how long we read contract provisions) has been conducted in the U.S., among other places (see Anant, Donchak, Kaplan & Soller, 2020; Strahilevitz & Kugler, 2016, 2020; similar research has been conducted in the European Union - see the report prepared by Elshout, Elsen, Leenheer, Loos, Luzak, Giesen, Kieruj, Weistra, DebusscherT. Meeusen, Lloyd, 2016). Applications installed in our phones, computers, laptops, palmtops and other such devices, the entrepreneurs gain access to the above mentioned data with our consent, but also collect information about us on an ongoing basis, as well as statistical data about our activity. Of course it is all for our benefit and convenience, so that the next time we log in to our e-mail account, e-banking account etc. we do not have to remember the password or login, so that the weather application automatically gives us a forecast for our current or fixed location, so that previously viewed web pages open faster, so that we can compare our sports results and achievements, so that we can easily go back to the moment when we stopped watching a movie, etc. Information about our holidays, interests, religious, political, sexual, and culinary preferences, and much, much more is continually and meticulously collected by network operators, data controllers, and other entities that we permit to do so when we install their software or use their services. The sum of this and other information allows to create a picture of an average citizen of any region of the world. What's more, this information is minimally distorted, as it comes directly from the users who in most cases are not aware of the monitoring of their activity, and even if they are, they usually do not take any actions to mask their activities. Sometimes this is deliberately difficult, requiring specialized knowledge, which makes the possibility of camouflage downright impossible (In this regard, it is worth noting the relatively new phenomenon of so-called dark patterns (see Chromik, Eiband, Völkel & Buschek, 2019). Yes..., without a doubt, modern technology allows businesses and individuals creating various Internet programs (applications) to collect a surprising amount of information about us, including sensitive information.

Ordinary and, what is worth emphasizing, only to some extent and only for certain people, anonymous information about the users of given applications or statistics on the use of electronic devices can be used to manipulate the information, and thus influence the social behavior of individual groups or entire societies. Internet service providers (ISPs) can use algorithms that control, for example, search engines to provide specific information to users based on their location or display information (or shortcuts) in applications installed on their devices. The operator, having access to the most frequently checked information in a given region, the preferences of residents of a particular region of the world, continent, country or its region, can influence the behavior of its

residents, who are also users of its application, portal or other electronic platform, by displaying appropriately selected information. A recent high-profile example of this type of situation, among others, was the Cambridge Analytica case (Peruzzi, Zollo, Quattrociocchi, Scala & Wilson, 2019, 2021; Manokha, 2018; Hinds, Williams & Joinson, 2020).

In this context, it is surprising how little awareness of the importance of information the average person has, not to mention organizations or entire societies. With pleasure and - for good reason - with increasing ease we learn to operate new programs, applications and devices. They are all, of course, "essential" to our lives. We install useful programs in our phones, we use new sources of entertainment (VOD), information services. In exchange for the comfort of receiving personalized information from news services and social media, we agree to pass on information about ourselves, information that we would not share even with people we trust.

CONCLUSIONS

The above mentioned areas of interaction between information and people should give us food for thought. Maybe they should be a contribution to a wider discussion on the importance of information in contemporary society. About its influence on our individual behaviour as consumers, competitors, entrepreneurs, parents, children etc. but also about the influence of information on the behaviour of whole social groups and societies. Such a discussion is already taking place in the West, where some people directly speak about so called dataism, a new philosophical trend according to which the universe is just a flow of data and the value of each phenomenon or entity depends on its contribution to data processing (Kelly, 2001; Hidalgo, 2015). It is worth noting that the development of technology does not have to contradict our interests, understood individually, as well as the needs of a given community or society. Yuval Noah Harari in his book "Homo deus. A Brief History of Tomorrow" (Publisher Vintage Cookery Books, 2015) repeatedly emphasizes the importance of information in the development of civilizations and societies, including new ways of acquiring it and the speed of its flow, pointing to the key role of human consciousness in acquiring and processing information concerning both ourselves and third parties (Eg. s. 424, 467. See also: Nishimura, 199; Ederington & Lee, 1993).

Undoubtedly, information governs our behaviour on micro and macro scale, consequently it governs our upbringing, family relations, relations with neighbors and other people, markets, international relations (including cultural, economic and political ones) and all other social relations. It directly influences our perception of the world and ourselves in it. It determines our beliefs, faith, ethics, perceiving beauty and defining values, interpretation of the surrounding reality, influences our judgments, including the study we have just read. For truth, information is everything.

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