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LEGAL AND TECHNICAL ASPECTS OF REQUIREMENTS FOR SECURITY OF CASH / VALUABLES TRANSPORTATION

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ABSTRACT

The article is an attempt to review the provisions of the regulation of the Ministry of Internal Affairs and Administration of 7 September 2010, as amended on the requirements to be met to protect the money stored and transported by entrepreneurs and other organizational units. Reported findings relate to the requirements of storage, transport, protection and equipment used in the process. In addition, to indicate the persons and entities responsible for protecting the value of money and the benefits and effects of the introduction of new regulations and the possibility of directly concerning cash. The elaboration systematises and raises awareness of the requirements of the protection of the cash of its storage, transport and changes in regulating this issues.

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Commonness of cashless transactions and the development of payments using payment cards is now becoming the best link in the financial system practiced by modern society, entrepreneurs and other organizational units. So assumed kind of cashless transactions seems to be one of the most

secure and commonly used forms of payment, and the electronic transmission of money.

However, the cash payment was, is, and for subsequent years will remain the primary mean of payment used by individuals, legal entities and organizations in the country and the world. The confirmation of the situation is now the growing number of companies and transactions and at the area and level of the implementation of tasks of protection and transport of cash.

Development of the market within the protection and transport of cash today concerns all countries and economic areas, where cash, regardless of the type and the name of the currency, is the primary mean of payment.

In the EU countries' regulations in this area are different and each member creates them in accordance with their respective legislation and having regard to the regulations concerning protection, transport and widely understood concept of internal security.

For implementation of tasks related to physical movement and storage of banknotes, coins and other means of payment in many countries of the European Union¹, currently responsible are specialized companies and organizations in the market for cash in transit (CIT). Specialized companies and protective organizations provide services providing security and transport of cash from one place to another². Specialized security and transport companies and organizations implement these tasks in accordance with the applicable national legislation. These regulations are specified in the relevant normative acts which directly concern the security and transport of cash.

This state results from the conditions which prove the needs and the necessity of specialization of providers of such services, using the most advanced solutions in the field of security and management tasks at the level of protection and transportation.

According to the Polish legal status, directly concerning the requirements for security and transport of cash, for these tasks the physical and technical security means are used³. These are the physical security person-

¹ More information: Regulation (EU) 1214/2011 on the professional cross-border transport of euro cash by road between euro-area Member States.

² *Cash-in-transit (CIT)* or Cash/valuables-in-transit (CVIT) is the physical transfer of banknotes, coins and items of value from one location to another, <https://en.wikipedia.org/wiki/Cash-in-transit/>, (accessed: 10.08.2015).

³ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochro-

nel, transporting persons and escorts of Internal Security Service (CFR), having the devices and technical equipment used for security and transportation tasks.

Thus the protection and transportation tasks are implemented by specialized armed security – CFR – and entrepreneurs who have obtained licenses of Ministry of Internal Affairs and Administration to run the business of the protection of people and property with regard to the protection of stored and transported cash. The requirements for enterprising to protect and transport cash in Poland is governed by regulation of the Ministry of Internal Affairs and Administration of 07 September 2010 on the requirements for safeguarding the money stored and transported by entrepreneurs and other organizational units⁴. The regulation organizes and regulates legal issues relating directly to issues of protection, storage, handling and transportation of cash precisely defined in § 1. These regulations are directed to the managers of organizational units, entrepreneurs and individuals responsible for the protection and transport of cash.

Terms used in regulation were accordingly ordered and communicatively specified in § 1, and their legal basis is article 6 paragraph 2 of the Act of 22 August 1997 on the protection of persons and property⁵. In the above-mentioned normative act it is pointed out that the Minister of Internal Affairs and Administration manages the activities of government administration – internal affairs, on the basis of the Prime Minister of Poland regulation⁶.

Thus the protection and transportation tasks are implemented by specialized armed security – CFR – and entrepreneurs who have obtained

na wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), § 2.1.; § 3. 1.; § 4. 1. ust. 3.

⁴ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późn. zm.).

⁵ More information: Ustawa z dnia 22 sierpnia 1997 roku, o ochronie osób i mienia. Ustawodawca w Art. 3. pkt 1., podaje, że ochrona osób i mienia realizowana jest w formie; polegającej na konwojowaniu wartości pieniężnych i innych przedmiotów wartościowych. (Dz. U. z 2005 r. Nr 145, poz. 1221, z późn. zm.).

⁶ More information: Rozporządzenie Prezesa Rady Ministrów z dnia 16 listopada 2007 roku w sprawie szczegółowego zakresu działania Ministra Spraw Wewnętrznych i Administracji (Dz. U. z 2007 r. Nr 216, poz. 1604), §1 ust. 2 pkt 3.

licenses of Ministry of Internal Affairs and Administration to run the business in the field⁷.

Therefore, according to the current regulations, they must be specialized and adequately prepared to carry out tasks relating to the protection and transport of cash. Law regulations and relevant practice today shape the right level of services of protection and convoying of cash.

The regulations set out in the Regulation of Ministry of Internal Affairs and Administration of 07 September on the requirements for safeguarding the money contain regulations for implementing specific and necessary requirements and restrictions in this field of action. In addition they regulate precisely the concept of cash value, having regard on “unit of account”, the appropriate and proper valuation of carried, transported and protected money. By adopting the decisions of the regulation governing protection and transportation of cash, and involving not only money (as well as eg. cheques, bills of exchange, other documents replacing traded cash, gems, platinum, silver, gold or products made from these raw materials), the author to determine the actual and reliable prices of transported values adopted “unit of account”. Thus the basis for determining the value of transport and the convoy is a unit of account. It is now 120 times the average salary in the previous quarter of year, announced by the Central Statistical Office⁸.

A clear indication of the legal act to notice the amount of the average salary for the previous quarter of the year gives the opportunity to establish a reliable unit of account and prevents differences in calculations in the transport of money.

The obligation of the physical and technical protection of security and transport of money is required beyond 0,2 units of account. And so, for example, when on 10 September 2015 in the Communication of the President of the Central Statistical Office it is stated that the average salary in the previous quarter amounted to 3895,33 zł. thus

⁷ Compare: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 17 listopada 1999 roku w sprawie wewnętrznych służb ochrony. W § 5 pkt. 4 podano, że do zakresu działania wewnętrznej służby ochrony należy; konwojowanie mienia jednostki (Dz. U. z 1999 r., Nr 4, poz. 31).

⁸ The president of the Central Statistical Office is obliged to publish the amount of the average salary in the previous quarter of the calendar year. “It is hereby declared that the average salary in the third quarter of 2015 amounted to 3895,33 zł.” (Dz. U. z 2010 r., Nr 40, poz. 224, Dz. U. z 2015 r., poz. 758).

0,2 x 120 x 3895,33 = 93 487,92 zł. So according to the communicate of GUS, 0,2 units of account was the amount of 93 487 zł. Thus, the obligation of protection of security and transport of the money we had to use it from the amount of 93 thousands zł in the fourth quarter of 2015.

However, the shape, size and type of used security depend on the proportion of the size of the unit of account. So the set of rules allow for appropriate and adequate to the size of the conversion selection of forces and means for the protection and transport of money.

Storing the cash in buildings, rooms or devices which are located in areas subjected to special protection units or in areas protected by the CFR, is secured or technically protected. While storing the cash above 0,2 units of account, out of the zone or protected areas listed in art. 5 paragraph and article 5 of the Act and article 10 paragraph 1 of the Act requires to ensure the technical security of premises and buildings⁹.

As is apparent from the regulation on the requirements for protection and transport, they apply to entrepreneurs, managers and people who provide protection and transport of cash. These tasks are accomplished by the use of direct physical protection of buildings, premises and means of transport used for protection and transport of cash or the use of technical security.

Direct physical security of cash is realized on the basis of the Act on the protection of persons and property, art. 3 pts. 1 c and art. 5 paragraphs 1 and 2, by security guards and escorts¹⁰. Security guards and escorts executing the tasks of protection of cash are obliged to have the identity card of a qualified employee or certified physical protection technical security worker for the implementation of tasks in this area. The employees of security have unified uniforms for the staff of the CFR, consisting of of-

⁹ More information: Ustawa z dnia 22 sierpnia 1997 roku, o ochronie osób i mienia (Dz. U. z 2005 r. Nr 145, poz. 1221, z późn. zm.). The areas, facilities, equipment and transports sensitive information in accordance with art. 5 paragraphs 2 points 2, section c. are banks and enterprises producing, storing or transporting the cash in large quantities. Art. 5 paragraphs 5 shows records of areas, facilities and equipment are subject to mandatory protection in the region. Art. 10 paragraph 1 applies legitimate administrative decision on the establishment of the internal security service.

¹⁰ More information: Ustawa z dnia 22 sierpnia 1997 roku, o ochronie osób i mienia (Dz. U. z 2005 r. Nr 145, poz. 1221, z późn. zm.). In carrying out the tasks of convoy and protection and the operator is required to issue ID card and supervise the execution of these tasks by security, technical security and escorts.

ficial clothing and special clothing. Basic uniforms of security personnel and clothing convoy of special groups are defined in the regulation of the Ministry of Internal Affairs and Administration of 17 November 1999 on internal security service¹¹. During providing services and implementation of official duties, uniform is an indispensable element distinguishing and identifying CFR workers CFR and escorts. Employees are therefore obliged to wear it and use in accordance with applicable standards. In addition, depending on the needs of CFR workers they are equipped with: means of communication, bulletproof vests and helmets, personal protective equipment, gas masks, flashlights, bandages, means of transport, and the guards protecting the transport of cash in combat firearms. The application of physical protection by the CFR in the protection and transport of cash derives directly from Art. 5 paragraph 5 of the Act on the protection of persons and property¹². Protection offered by the CFR is available 24 hours a day and contributes to increased security costs.

Commonly used technical security of premises, buildings and transportation security include mechanical and electronic security systems.

Technical security for storage and transport of cash by applying:¹³

- 1) the premises and equipment,
- 2) vehicles carrying cash,
- 3) electronic security systems of buildings, premises, equipment and vehicles.

According to the regulation, a room it is a separate part of the building of a certain class of burglary resistance (destruction of the safeguards,

¹¹ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 17 listopada 1999 roku w sprawie wewnętrznych służb ochrony (Dz. U. z 1999 r. Nr 4 poz. 31) § 13 defines the pattern of uniforms of CFR employees. Appendix 2 shows the basic set of subjects for uniforms of internal security service employees including official clothing items and special clothing.

¹² More information: Ustawa z dnia 22 sierpnia 1997 roku, o ochronie osób i mienia (Dz. U. z 2005 r. Nr 145, poz. 1221, z późn. zm.). The areas, facilities, equipment and transports sensitive information in accordance with art. 5 paragraphs 2 points 2, section c. are banks and enterprises producing, storing or transporting the cash in large quantities. Art. 5 paragraphs 5 shows records of areas, facilities and equipment are subject to mandatory protection in the region. Art. 10 paragraph 1 applies legitimate administrative decision on the establishment of the internal security service.

¹³ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późn. zm.), § 3. 1.

opening), used to store cash. While the specified device is a mechanical device of a certain class of burglary resistance (destruction of the safeguards opening) for storing and transporting cash value.

To protect the buildings, premises and equipment there are used electronic security systems such as:¹⁴

- 1) the intrusion detection system - regarded as the primary,
- 2) the CCTV system – seen as complementary,
- 3) the access control system – regarded as complementary
- 4) the alarm transmission system – regarded as the primary.

The intrusion detection (Intrusion) and alarm transmission system (STA) the regulation treats as the primary electronic security system and supervise television system (CCTV) and access control systems (AC) as supplementary schemes.

In accordance with appendix 2 point 10¹⁵ of the regulation depending on the existing level of risk of the system of intrusion detection (Intrusion) must be added to supervise closed circuit television system (CCTV) and access control (AC) systems. Doubts may be raised, the use of the access control system, since the regulation does not indicate the time and place of its practical application. Despite this, entrepreneurs, individuals and managers of organizational units that store and transport cash generally apply access control system and use it. Basing on the regulation, est. No. 1 point 6, which states that “Intrusion system should be made at least in the 2nd degree of security and provide identification of the users switch-

¹⁴ See Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.). Electronic security systems listed in Appendix 1 point 1, must be made according to the requirements of Polish Standards, as PN-EN 50131-1:2009; PN-EN 1143-1; PN-EN 1143-2; PN-EN 14450.

¹⁵ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.). Appendix 1 section 10, in the regulation it is not specified who will estimate the level of risk, and at what level should be implemented in other systems. AC system should ensure full event logging at least a period of 30 days. Recording of cameras of intrusion system action should take place at a frequency of not less than 5 frames per second at a resolution of not less than 400 TV lines.

ing it on and off or part thereof”. Installation of the AC system requires providing registration control events from the period of at least 30 days. The memory contents of the AC system after the discovery of a criminal act should be protected, collectively read and properly archived. This state results from the Regulation, est. No. 1, paragraphs 18 and 16.

Listed in appendix no 1. pkt. 10 of the regulation, indications as to further complete, depending on the level of risk the Intrusion system of CCTV and AC systems, do not have the necessary subject to appropriate and in accordance with the regulation assessing the level of of risk. Therefore, it must be assumed that the designer and contractor of the system in consultation with the department of administrative proceedings of the provincial police command should make changes in the plan of protection of the object and take into account the indicated doubts.

Certain types of activities that should be detected by intrusion system, depending on four reported degrees of protection, in est. No. 1 point 5 of the regulation, have their requirements arising from the regulation and the currently applicable standard BS EN50131-1: 2009. This standard specifies requirements to provide for the four described and identified in the regulation degrees of protection.

However, in accordance with the requirements of the regulation the intrusion system in the second stage should additionally detect:¹⁶

- opening doors, windows, ventilators and other closures, protected space, region or area,
- any movement (trap) in the protected area,
- be subjected to periodic and prescribed maintenance inspections and repairs according to standards and no less frequently than once every six months,
- have an electronic security system book stored in the safe and protected place where all events in the system, maintenance, repair, failures or cases of changing components are recorded with the signatures of the persons making the entries.

The area of requirements determined by the regulation and PN material, on the second stage of protection the intrusion system and potential

¹⁶ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), see app. no 1. pkt 5.2 and pkt 19, 20 i 21.

of small and medium risk is not organizational, technically and technologically complicated. Most present on the Polish market intrusion systems meet today certain provisions in regulations and standards. However, the regulation requires¹⁷ confirmation, fulfillment by using in the electronic security system requirements of the regulation and PN according to the classification, relevant certificates and declaration of conformity with the requirements in the form of a confirmed certificate.

The very installation of the intrusion system does not entitle you to store cash above 0,2 units of account. This is due to est. No. 2 tables 1–4, regulations and rules on class of resistance to burglary and included in DIN EN 1143-1, EN 1143-2 and EN 14450¹⁸. The equipment used and secure containers for storing and transporting cash of less than one tone shall be secured to the ground with a certain force. However, in § 12. of the regulation specifies that all premises and equipment that have an burglary resistance class should be marked with a nameplate or other permanent marking, issued by the certification body.

As appears from the contents of the regulation installing electronic security systems Intrusion while storing cash value above 0,2 units of account is not always necessary. You can not install electronic security systems in devices with burglary resistance class VIII / N-VIII. In these devices cash can be stored without the use of intrusion system to 20 units of account, which represents an amount of approximately 9 million zł. In areas of burglary resistance class XI / N-XI you can store an amount of 60 units of account ie. approx. 27 million zł.

In est. no. 2 table 2 – of the regulation there are demonstrated two types of TV supervise systems with the event recorder function. Mentioned supervise television system with the function of recording events and supervise monitored TV system with the function of registration events are designed to organize continuous and long-term method of observation with the use of CCTV cameras. Observation cameras do

¹⁷ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), § 11 paragraph. 3, does not apply to devices with a certificate of approval.

¹⁸ Compare: Instytut mechaniki precyzyjnej, Zakład Certyfikacji Wyrobów - *Certyfikat Akredytacji AC 041, PN-EN*, http://www.imp.edu.pl/cert/cert_szafy.html 12.08.2015 r., <http://www.pkn.pl/wykaz-pn>. 12.08.2015 r.

not require monitoring stations in each location, you can create one central observation post and read multiple CCTV systems with different objects. The storage time of registered entries may not be less than 14 days. Material written on records needs archiving, according to the principles of protection of property and protection from external factors and unauthorized access¹⁹.

Decree modifies the provisions concerning the transport of cash. Specifying that the transport of cash – transport or transfer of cash outside an entrepreneur or other organizational unit buildings and escorted transportation of cash – transport or transfer protected cash, by the armed guards outside an entrepreneur or other organizational unit premises. According to the given interpretation one escort is required for the transportation of value in excess of eight units, two escorts to twenty-four units and more than three escorts. Escort has protective functions, a transporter is involved in the transfer, and the driver in driving. Currently, it prohibits the accumulation of functions during transport and protecting cash.

Ordinance specifies that more than one unit of account shall be transported with CVIT van. They are divided into three categories; C which can be equipped with armored container for transport of valuables and A and B – are specialized vehicles with a separate compartment for cash value. A vehicle type A, the transport of cash in excess of 24 units of account should be assigned “vehicle policyholder” and two insuring vehicles in a column. The task of the vehicles policyholders are carrying escorts protecting the cash. Technical requirements of vehicles policyholders and CVIT vans are determined in the appendix to the ordinance²⁰. These vehicles cannot have the gas installation.

¹⁹ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), comp. app. no. 1. pkt 15, pkt 16 i 17.

²⁰ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), compare § 1. pkt 3, 4, 14 oraz 15 i 16; zał. nr 3, 4, 5 i 6. NBP and organizational units producing signs of money may strengthen the protection of transport of cash by the police on the basis of agreement with the National Police Headquarters.

The author mentions two categories of containers:²¹ specialized and safe, used to protect the value from burglary. The specialized were divided into five categories; A, B, C, D and E. They are used to transport cash, have additional devices impeding seizure, an electric taser, an audible alarm, smoke signal, or damaging contents of the container while maintaining the traceability of cash. The advantage of these devices is high resistance to burglary, class resistance to crash and opening and low weight.

The growing number of cash transactions and the need to protect and transport of these values require the support of entities performing these tasks at various levels of security and management. The use of high-quality legal arrangements, innovative technical solutions using modern methods of protection and transport radically increase the effectiveness of the protection of cash.

The analysis of this regulation on the requirements for safeguarding the value of money stored and transported it can be assumed that the improvement of effectiveness of the protection and transport of cash, while reducing costs is possible. This is due to the opportunities offered by the regulation allowing to store significant amounts of cash in a room with an increased resistance class XI / N - 11 for burglary and integrated signaling system without unit restriction.

The multiplicity of rationalization, organizational, technical, technological and many legal changes that are consistent with the observations and opinions of the thematic group of legislative, already allowed for partial recovery requirements regarding the protection and transport of cash by companies and agencies.

The next steps for perfecting the improvement of the existing state requirements, should be directed toward innovative technological solutions and integration-related technical improvement of the system of intrusion detection, supervise television, access control and transmission of an alarm signal to the alarm receiving center.

²¹ More information: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 07 września 2010 roku w sprawie wymagań, jakim powinna odpowiadać ochrona wartości pieniężnych przechowywanych i transportowanych przez przedsiębiorców i inne jednostki organizacyjne (Dz. U. z 2010 r. Nr 166, poz. 1128, z późni. zm.), § 1 pkt 12 i 13 and app. no 2 tables 3 and 5. Have the class of resistance to burglary according to PN 14450 devices secured by IASS with transmission of alarm signal to receiving Center.

Development and actions towards rational management of the CFR, improvement of traffic analysis, traffic surveillance, alarm and signal transmission is the primary driving force of current and future developments in terms of requirements regarding the protection and transport of cash that must be skillfully use already today.

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