[doc. web n. 9724881]

Injunction order against LARC Company - 28 October 2021

Record of measures

n. 385 of 28 October 2021

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stazione, president, Professor Ginevra Cerrina Feroni, vice president, dr. Agostino Ghiglia and the lawyer Guido Scorza, members, and the Cons. Fabio Mattei, general secretary;

GIVEN the Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, concerning the protection of individuals with regard to the processing of personal data, as well as the free circulation of such data and which repeals Directive 95/46 / EC, "General Data Protection Regulation" (hereinafter the "Regulation");

GIVEN the legislative decree 30 June 2003, n. 196 containing the "Code regarding the protection of personal data, containing provisions for the adaptation of the national system to Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, relating to the protection of individuals with regard to to the processing of personal data, as well as to the free circulation of such data and which repeals Directive 95/46 / EC (hereinafter the "Code");

GIVEN the Legislative Decree 10 August 2018, n. 101 on "Provisions for the adaptation of national legislation to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, relating to the protection of individuals with regard to the processing of personal data, as well as the free circulation of such data and repealing Directive 95/46 / EC ";

GIVEN the Regulation n. 1/2019 concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor for the protection of personal data, approved by resolution no. 98 of 4/4/2019, published in the Official Gazette n. 106 of 8/5/2019 and in www.gpdp.it, doc. web n. 9107633 (hereinafter "Regulation of the Guarantor no. 1/2019");

GIVEN the documentation in the deeds;

GIVEN the observations made by the Secretary General pursuant to art. 15 of the Guarantor Regulation n. 1/2000 on the organization and functioning of the office of the Guarantor for the protection of personal data, Doc. web n. 1098801;

Professor Ginevra Cerrina Feroni will be the speaker;

WHEREAS

1. The applications received and the preliminary investigation

1.1. With a note dated 18 September 2020, Ms XX reported a violation of the Regulations, resulting from an erroneous delivery of reports - which occurred on 16 September 2020 at the LARC headquarters in via Mombarcaro 80 in Turin - which involved the mother of the reporting party, Ms XX. In particular, after carrying out the diagnostic examination of the echocardiogram, she would be given the report of another patient, while reporting, the attached images, the name of Ms XX.

Subsequently, the President of the Order of Surgeons and Dentists of the Province of Savona, involved by the reporting person in the affair, after having consulted the doctor who signed the report in question, declared that "due to a technical problem occurring on the printer, this produced, instead of the report sent for printing by the doctor at that moment, a previous report that had remained in memory. Ms. Teresa XX's report was not delivered to anyone and is still available for collection at the LARC facility. Dr. (...) apologizes for the misunderstanding that occurred regardless of his will. Therefore, since it is an accidental event resulting from a technical IT problem, there is no deontologically incorrect behavior against Dr. (...) ".

On 25 September 2020, the Company notified a personal data breach, pursuant to art. 33 of the Regulations, stating that "according to what is stated in the complaint, at the end of a specialist instrumental examination, a patient was given a folder containing the diagnostic images of the examination carried out and the paper report in the name of another patient (of which details have been provided) ".

In the aforementioned communication it was highlighted that the violation concerned personal data "(name, surname, sex, date of birth)", contact details "(postal address)", access and identification data "(customer Id, type of customer - eg. private, insured, SSN, etc.) ", health data" (specialist examination report with digital signature of the doctor) "and was caused by a" carelessness in composing the folder containing the documentation the exam carried out "; in particular, the "error in inserting an improper report in the folder (would) also derive from a printer malfunction. In fact, it is believed that due to printer jam, the doctor sent at least two printouts of the report, one of which was correctly delivered. The other inadvertently delivered to the next patient (the subject of the report) in place of his own, which instead remained in the queue ".

What measures have been taken following the violation and to prevent similar events in the future:

- the "communication to the person who sent the report with timely confirmation of what is indicated", the "request to provide evidence of the report erroneously delivered in order to demonstrate the veracity of the report itself" and the "contextual

invitation to destroy this report if it is actually in possession ";

- the "dispatch of the corrected report and provision of further home assessment for the patient who is the subject of the report";

- the "communication to the interested party whose data have been erroneously disclosed (to a single person) with the apologies of the owner and the reassurances of the case on the involvement in obtaining the destruction of the documents from the improper recipient", which will be carried out as soon as possible ;

- the "general reminder to all health professionals to always check the data of the reports, images, etc., which are given to patients at the end of the visit / examination";

- a "note of censorship to XX for the error which, however, depended on his carelessness in the failure to check the header data of the documents he delivered";

- a "control of the efficiency of the printers to avoid jams and determined to send more than one print for the same report, so as to avoid having multiple prints in the queue";

- the communication to patients aimed at drawing attention to the need to "always check the documents delivered to them before leaving the doctor's office".

With specific reference to the facts described in the aforementioned report and notification of personal data breach, the Office, with a note dated 9 October 2020 (prot. No. 37585), notified the Company pursuant to art. 166, paragraph 5, of the Code, the initiation of the procedure for the adoption of the measures referred to in art. 58, par. 2, of the Regulations, inviting the aforementioned owner to produce defensive writings or documents to the Guarantor or to ask to be heard by the Authority (Article 166, paragraphs 6 and 7, of the Code; as well as Article 18, paragraph 1, of Law no. . 689 of 11/24/1981).

In particular, the Office, in the aforementioned deed, found that, on the basis of the elements acquired and the related assessments, the Company carried out, by delivering a report to a person other than the interested party, a communication of data relating to health to a person other than the interested party in the absence of a suitable legal basis and, therefore, in violation of the basic principles of the processing referred to in Articles 5 and 9 of the Regulation.

With a note dated 30 October 2020, the Company sent its defense briefs, in which, in particular, in addition to reiterating what has already been declared in the notification of violation made pursuant to art. 33 of the Regulation, highlighted:

- that "the violation would have occurred on 16/09/2020, around 16:20 at the operational headquarters in via Mombarcaro 80 in

Turin: at the end of a specialist instrumental examination (echocardiogram) conducted by the consulting doctor, (...), a patient (Mrs. XX), accompanied by her daughter (Mrs. XX), was given a folder containing the diagnostic images of the examination carried out and the paper report, headed, however, to another person. The complaint with which the daughter reported the violation, received in writing on 09/18/2020 was considered plausible on 09/24/2020 at the end of the internal investigation, which also ended with the delivery of the report in the name of the patient and the remaking of the exam at the home of the same. However, despite the requests, the complainant did not provide the name of the subject whose report would have been delivered to her by mistake, thus still not making the potential violation of privacy proven today ";

- that “the corporate and deontological practices of healthcare personnel require that the reports be delivered exclusively to the interested parties (or their delegates…); the delivery of the report, in the name of a third party, instead of that of Ms XX occurred due to an accidental event (the printer that printed the same report twice) combined with the slight negligence of the healthcare professional, who had commented on the report orally without checking the heading of the written document delivered to the patient, a document that was not subject to immediate control not even by the person concerned and the daughter who accompanied her ";

- such as “any other mitigating factors applicable to the circumstances of the case”: “small number of people involved: an interested party in the loss of confidentiality; 2 unauthorized recipients (the complainant Ms XX and probably the patient, mother of the complainant, Ms XX) "; "Absence of certainty regarding the violation of personal data since, even in the presence of a plausible report, no response was obtained with respect to the request to provide the name of the counterpart concerned or a copy of the report erroneously delivered, as stated in the complaint"; "Slight and objective fault of the company due to the fact of its collaborator, chosen from a group of recognized professionals, enrolled in the register of doctors and surgeons, who must comply with very specific ethical obligations"; "Adoption of procedures and control systems aimed at limiting as much as possible injury to the privacy rights of their patients, without however being able to eliminate the risk of malfunctioning of certain printing tools supplied by their collaborators".

1.2. With a note dated February 3, 2021, Ms XX formulated a complaint concerning the delivery by the LARC Company of a finding, in which the registry of another patient of the structure was indicated, with the same name in the surname (Ms XX), who went to the facility in March 2018.

Following the Office's request for information (note of 11 February 2021, prot.n.0008441), with which it was asked to make

known any information useful for the evaluation of the case and, in particular, compliance with the principle accuracy of the data and the legal assumption that would have allowed the aforementioned communication of personal data to third parties, the Company provided confirmation, with the note of 4 March 2021. In particular, the legal representative of the same Company, in relation to the facts involved of complaint, represented that:

- "on 11 September 2020 at 5 pm at the Turin outpatient clinic corso Venezia n. 10, were performed by Dr. XX in favor of Mrs. XX, the last patient of the day, two bone densitometries: one at 17:51 in the femoral tract and the second at 17:59 in the lumbar tract, both reported by Dr. XX . In these circumstances, while in the first exam, the femoral, the patient's name was correctly indicated, in the second, the lumbar one, due to a human error, the registry of another LARC patient was indicated, homonymous in the surname, Mrs. XX. This happened because the software system of the densitometry instrumentation offers the performing physician the possibility of reusing the personal data already present because loaded from previous examinations; in this circumstance, and only for the second examination, the doctor, wanting to resume the registry of the same patient to whom he had just reported the femoral densitometry, did not realize that he had instead selected the registry of the homonymous XX instead of XX. It should also be noted that this software, which is inseparably and exclusively connected to the electromedical, prepares only the diagnostic image of the densitometric examination, while the clinical report is compiled by the doctor using another system ";

- “in the case in question, the report, correctly headed to Mrs. XX, was in fact drawn up by Dr. XX. Therefore, the report and images relating to lumbar densitometry delivered to patient XX at the Ciriè center in a sealed envelope, while bearing, in only one of the attachments, the header of XX, referred to XX (...). These clarifications were immediately provided (....) to Ms XX's lawyer on 09.29.2020, reiterating that it could not be a report belonging to another patient, given the contiguity of time of the second examination with respect to the first (eight minutes between both) ";

- "LARC S.p.A. has always paid great attention to the accuracy of the data, taking all appropriate measures to modify or correct inaccurate data; through the software in use, LARC periodically checks the correctness of the data collected, also comparing them with data belonging to the same interested party, but collected at different times or that have had a different origin. In compliance with the principle of accuracy of personal data, the Data Controller monitors the personal data collected throughout their life cycle, from the first moments with which it comes into contact and until their cancellation. To do this and to limit the possibility of error as much as possible, LARC manages the phase of validation and verification of the consistency of personal

data; reports any errors or problems in the collection; imposes the refusal to collect incomplete or inaccurate data; monitors the loading operations (time of loading, author, type of data entered). In order to carry out this activity in the best possible way, LARC also invests in the training of the personnel who are responsible for loading and collecting data. In these cases, in fact, the risk of human error assumes a concrete possibility of manifesting itself, as has unfortunately occurred in the concrete case ", in which" no errors were found in the collection of data and no related data were disclosed inaccurate health (because not updated or because wrong). The name of the homonymous XX was only inserted on one of the attachments of the report belonging to Ms XX. The health data of both patients were and are correct. Following the verification of the error, the data on the electromedical software for bone densitometry was corrected, without however needing to correct the clinical report as it is correct ";

- in relation to the legal prerequisite for disclosure to third parties, "there is no legal prerequisite for the aforementioned disclosure, as it is a human error in the use of the data upload software. For this reason, a report of alleged breach of personal data was opened, (data breach) which was evaluated positively as it refers to unauthorized disclosure of personal data, with the assessment that "it is unlikely that the violation of personal data present a risk to the rights and freedoms of individuals "pursuant to art. 33, paragraph 1 of Reg. (EU) 2016/679: therefore, it was not necessary to proceed with the notification. In particular, the risk was considered negligible for the following reasons: because the disclosed data does not concern data relating to health; because the disclosed data concern a single interested party; because your personal data are easily available on the web on a runner site (….); because your common personal data had been disclosed to a single person (...) ".

With a note dated 7 April 2021 (prot. No. 18190), the Office, in relation to the matter described in point 1.2. notified the Company, pursuant to art. 166, paragraph 5, of the Code, the initiation of a new procedure, for the adoption of the measures referred to in art. 58, par. 2, of the Regulations, inviting the Company to produce defensive writings or documents to the Guarantor or to ask to be heard by the Authority (Article 166, paragraphs 6 and 7, of the above Code; as well as Article 18, paragraph 1, of the law no. 689 of 11/24/1981 cit.). In this deed, the Office found that, on the basis of the elements in the documents and the related assessments, the Company carried out a processing of inaccurate data and, by delivering a finding containing the indication of a subject other than that to the which the same refers, has made a communication of data relating to the health of a patient (XX) to another patient (XX) in the absence of a suitable legal basis and, therefore, in violation of the basic principles of the treatment referred to in Articles . 5 and 9 of the Regulation, also omitting to notify the aforementioned

violation to the Guarantor, pursuant to art. 33 of the Regulation.

With a note dated April 16, 2021 (prot. a concise reconstruction of the events that occurred, represented that:

- "following a complaint from the patient, Ms XX, who complained about the presence of the finding relating to the lumbar tract (Annex 2) in the name of Ms XX, the outpatient clinic identified what happened (..) and, in addition to offering assistance to the complainant by reassuring her on the correctness of the report and of the images represented in the findings, also verified the existence of a violation of personal data: in particular, it was established that an unauthorized disclosure of personal data contained in the finding had occurred "relating to the lumbar spine , "Due to a) the error of the executing physician who had improperly matched the health data of Ms XX (images of the densitometric finding) with the personal data in the header of Ms XX and, also, b) failure of the referring physician to check the consistency of the data in the report (...) and the findings (...) ":

- "this, therefore, determined that Ms XX has improperly become aware of the following personal data of Ms XX (whose homonymy in the surname has misled the executing physician who did not notice the difference in the name own), but no data relating to the health of Mrs. XX: surname and name; patient identification; date of birth; gender; generic ethnicity; age of menopause; height; weight; age registered in the system (...) ";

- "with reference to the age of menopause, it is emphasized that it cannot be counted among the data relating to health, as it does not add any information on the state of health of Ms XX that is not already deducible from the date of birth alone, which is clearly a common fact. This consideration derives from the fact that the pathological condition (and therefore related to the state of health) occurs with an early menopausal age, less than 47 years. Otherwise, it is completely normal for a woman over 53 to be in menopause. Therefore, the data are essentially attributable to personal data: With reference to the content of the field indicated with "ethnicity", although it may be misunderstood, it does not fall within the particular categories as it is generic and not specifically referred to an actual racial origin ";

- "some data of Ms XX are easily available on the web in a runner site (..)" and "on the basis of research on the geographical location of surnames in Italy (...), it is plausible that Ms XX and XX are related and know each other ";

- in relation to the estimate of the severity of the violation, the same was assessed as low, "as it is unlikely that the violation of personal data presents a risk to the rights and freedoms of natural persons, in this case of the only person concerned (Ms XX), who runs no specific risks to her health due to her other fundamental rights; the fact that a third party (Ms XX) has become aware of some of her personal data does not entail any harmful consequences, given that Ms XX's data are easy to

find online or can be obtained with a simple deduction (eg . relating to the condition of menopause) (…). Ms XX was also asked not to further disclose Ms XX's data and to destroy the erroneous find in the face of its replacement with the rectified one ";

- "the alleged violations relating to" the "communication of data relating to the health of a patient to subjects other than the patient himself" and the "failure to notify the violation of personal data for the exclusion clause referred to in paragraph 1 of art are not recognizable. . 33 of the RGPD ";

- "On the other hand, an initial incorrect processing of personal data, subsequently and promptly rectified, as well as the communication of personal data (but not belonging to particular categories) to a different subject of the interested party, in the absence of a legal basis, is unquestionable, since it was a mere error ";

- in the case in question "it cannot (...) affirm that Ms XX's health records have been delivered to Ms XX, as they are completely different from the facts";

- "the attribution of the heading (...) not exact on the finding attached to the report, in the name of the patient to whom the entire health service was addressed, occurred due to a clerical error of the first physician who performed the examination and for the failure to verify the second health during reporting; these situations, of a negligent nature, were promptly challenged on 05/10/2020 to the two professionals (..), who have the professional duty to verify the correspondence of all the documentation prepared and signed by them with the person to whom refers: by applying greater attention they could have avoided and intercepted the error promptly and corrected it during the process, before the documentation was delivered (and the data contained therein communicated) ".

As part of the hearing required pursuant to art. 166, paragraph 6, of the Code, and held on May 20, 2021, the LARC Company reiterated that:

- "with regard to the data contained in the health documentation whose treatment is subject to reporting, only the header of the report was erroneously referred to Ms XX, having, instead, Ms XX correctly received the report and medical assessments relating to the service performed by the same. The incorrect heading, however, concerns only the second diagnostic attachment and not all the rest of the documentation (which included two other documents). Furthermore, the aforementioned heading included only the common personal data, including name, surname, date of birth and gender; there were no medical assessments referred to Mrs. XX in the incorrect communication ";

- "Mrs. XX, who reported the affair, has not suffered any violation of the confidentiality of her personal and health data";

- "the data breach was assessed, but the risk for Ms XX was considered negligible and, therefore, it was considered that it was not necessary to make the aforementioned communication, pursuant to art. 33 of the Regulation ";

- "the Company has reviewed the procedures already adopted to avoid the repetition of similar events and, in particular, has provided for subsequent sample checks of archived copies of the health documentation as well as a review of the preventive control procedures, in real time , and a training update for all staff to make them aware of the correct matching of health records ";

- "the two doctors involved in the affair were called back by the Company for greater attention in the composition of the documentation";

- "Mrs. XX was asked repeatedly and in writing not to disclose in any way the data of Mrs. XX, of which she had come into possession, but she never provided feedback on the point and instead advanced , a claim for compensation of 3,500 euros ";

- "Mrs. XX was proposed to repeat the contested examination free of charge, also in order to confirm the traceability of the report to her person, but she refused, considering that the trust relationship between her and the Company had ceased" (see the minutes of the hearing of 20 May 2021).

Taking into account that the violation described in point 1.2. concerned the same subject of the proceedings initiated following the notification of the violation referred to in point 1.1., the Office arranged for the meeting of the two investigative proceedings, pursuant to art. 10, paragraph 4 of the aforementioned Regulation no. 1/2019, concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor (note of 30 August 2021, prot. No. 43710).

2. Outcome of the preliminary activities

Having taken note of what is represented by the Company in the documentation in deeds and in the defense briefs, it is noted that:

1. "personal data" means "any information concerning an identified or identifiable natural person (" interested party ")"; for "data relating to health" "personal data relating to the physical or mental health of a natural person, including the provision of health care, which reveal information relating to his state of health" (art. 4, par. 1, nn. 1 and 13 of the Regulation);

2. information on the state of health may only be disclosed to the interested party and may be disclosed to third parties only on

the basis of a suitable legal basis (Article 9 of the Regulation and Article 84 of the Code in conjunction with Article 22, paragraph 11, legislative decree 10 August 2018, n.101);

3. the data controller is required to comply with the principles of data protection, including that of "accuracy", according to which all reasonable measures must be taken to promptly delete or correct inaccurate data with respect to the purposes for which are processed and that of "integrity and confidentiality", according to which personal data must be "processed in such a way as to guarantee adequate security (...), including protection, by means of adequate technical and organizational measures, from unauthorized processing or unlawful acts and accidental loss, destruction or damage "(art. 5, par. 1, lett. d) and f) of the Regulations).

3. Conclusions.

In light of the aforementioned assessments, taking into account the statements made by the data controller during the investigation and considering that, unless the fact constitutes a more serious crime, anyone, in a proceeding before the Guarantor, falsely declares or certifies news or circumstances or produces false deeds or documents, is liable pursuant to art. 168 of the Code "False statements to the Guarantor and interruption of the execution of the tasks or the exercise of the powers of the Guarantor" archiving requests formulated in the defense briefs, not allowing to fully overcome the findings notified by the Office with the aforementioned acts of initiation of the proceedings.

In particular, in relation to the report referred to in point 1.1., The Company has carried out, by delivering a report to a person other than the interested party, a communication of data relating to health in the absence of a suitable legal basis.

As for the complaint referred to in point 2.2., It should be noted that the provision of a health care service referred to a person specifically indicated with the following data: surname and name; patient identification; date of birth; gender; generic ethnicity; age of menopause; height; weight; age registered in the system, constitutes information attributable to the notion of health data pursuant to art. 4, par. 1, no. 15 of the Regulation and of the Cons. n. 35.

From this it follows that the Company, in addition to processing inaccurate data, has put in place a communication of data relating to the health of a patient (XX) to another patient (XX) in the absence of a suitable legal basis, through the delivery of an exhibit containing the indication of a subject other than the one to which it refers. In relation, however, to the failure to notify a violation, the motivation for the outcome of the assessment, carried out by the Company, is accepted, pursuant to art. 33, par. 1, of the Regulation, since, given the smallness of the violated data, which concerned a single person, the risk that the use

of such data has resulted in damage to the data subject can be considered relatively low.

For these reasons, the unlawfulness of the processing of personal data carried out, on the two aforementioned occasions, by the LARC Company, in the terms set out in the motivation, for the violation of Articles 5, par. 1, lett. d) and f), and 9 of the Regulations.

In this context, considering, in any case, that the conduct has exhausted its effects and that suitable assurances have been provided by the data controller, who, in this regard, has implemented specific organizational and technical measures to avoid the repetition of the conduct disputed, the conditions for the adoption of the corrective measures pursuant to art. 58, par. 2, of the Regulation.

4. Adoption of the injunction order for the application of the pecuniary administrative sanction and ancillary sanctions (Articles 58, paragraph 2, letter i) and 83 of the Regulations; art. 166, paragraph 7, of the Code).

The violation of articles 5, par. 1, lett. d) and f) and 9 of the Regulations caused by the conduct carried out by the Company is subject to the application of a pecuniary administrative sanction pursuant to art. 83, par. 4, a) and par. 5, lett. a) of the Regulations (see Article 21, paragraph 5, of Legislative Decree no. 101/2018).

Consider that the Guarantor, pursuant to art. 58, par. 2, lett. i) and 83 of the Regulations, as well as art. 166 of the Code, has the power to "inflict an administrative pecuniary sanction pursuant to Article 83, in addition to the [other] [corrective] measures referred to in this paragraph, or instead of such measures, depending on the circumstances of each individual case "and, in this context," the College [of the Guarantor] adopts the injunction order, with which it also disposes with regard to the application of the ancillary administrative sanction of its publication, in whole or in excerpt, on the website of the Guarantor pursuant to Article 166, paragraph 7, of the Code "(Article 16, paragraph 1, of the Guarantor Regulation no. 1/2019).

The aforementioned administrative fine imposed, depending on the circumstances of each individual case, must be determined in the amount taking into account the principles of effectiveness, proportionality and dissuasiveness, indicated in art. 83, par. 1, of the Regulation, in light of the elements provided for in art. 83, par. 2, of the Regulation in relation to which it is noted that:

- the treatments carried out by the Company subject to this provision concern data suitable for detecting information on the health, in total, of two interested parties (Article 83, paragraph 2, letters a) and g) of the Regulation);

- the conduct put in place by the Company does not present elements of voluntariness in determining the events (Article 83, paragraph 2, letter b) of the Regulations);

- the Company promptly took charge of the problem that emerged in the two violations of personal data, which was followed by the identification of measures (Article 83, paragraph 2, letters c) and d) of the Regulation);

- the holder has demonstrated a high degree of cooperation (Article 83, paragraph 2, letter f) of the Regulation);

- in one case the violation was determined by the homonymy of the surnames of the interested parties (Article 83, paragraph 2, letter k) of the Regulation).

Due to the aforementioned elements, assessed as a whole, it is believed to determine the amount of the pecuniary sanction provided for by art. 83, par. 5, lett. a) of the Regulations, to the extent of € 8,000 (eight thousand) for the violation of Articles 5, par. 1, lett. d) and f), and 9 of the Regulations, as a pecuniary administrative sanction, pursuant to art. 83, par. 1, of the Regulation, effective, proportionate and dissuasive.

It is also believed that the ancillary sanction of the publication on the website of the Guarantor of this provision, provided for by art. 166, paragraph 7 of the Code and art. 16 of the Guarantor Regulation n. 1/2019, also in consideration of the type of personal data subject to unlawful processing and the numerous violations relating to the same conduct, which occurred over a short period of time.

Finally, it is noted that the conditions set out in art. 17 of Regulation no. 1/2019 concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor.

WHEREAS, THE GUARANTOR

declares the unlawfulness of the processing of personal data carried out by the LARC Company, for the violation of Articles 5, par. 1, lett. d) and f) and 9 of the Regulations.

ORDER

pursuant to art. 58, par. 2, lett. i) and 83 of the Regulations, as well as art. 166 of the Code, to the LARC Company, with registered office in C.so Venezia 10 - 10155 Turin, VAT number 02226050017, in the person of the pro-tempore legal representative, to pay the sum of € 8,000 (eight thousand) as an administrative fine pecuniary for the violations indicated in this provision, according to the methods indicated in the annex, within 30 days from the notification of motivation; it is represented that the offender, pursuant to art. 166, paragraph 8, of the Code, has the right to settle the dispute by paying, within 30 days, an amount equal to half of the sanction imposed.

INJUNCES

To the aforementioned LARC Company, in the event of failure to settle the dispute pursuant to art. 166, paragraph 8, of the Code, to pay the sum of € 8,000.00 (eight thousand), according to the methods indicated in the annex, within 30 days of notification of this provision, under penalty of the adoption of the consequent executive acts pursuant to art. . 27 of the law n. 689/1981.

HAS

pursuant to art. 166, paragraph 7, of the Code, the full publication of this provision on the website of the Guarantor and believes that the conditions set out in art. 17 of Regulation no. 1/2019 concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor.

Pursuant to art. 78 of the Regulation, of art. 152 of the Code and 10 of Legislative Decree no. 150/2011, against this provision, it is possible to appeal before the ordinary judicial authority, under penalty of inadmissibility, within thirty days from the date of communication of the provision itself or within sixty days if the applicant resides abroad.

Rome, October 28, 2021

PRESIDENT

Stanzione

THE RAPPORTEUR

Cerrina Feroni

THE SECRETARY GENERAL

Mattei