

SEE NEWSLETTER OF 11 MAY 2022

[doc. web n. 9766445]

Injunction order against the Ministry of the Interior - February 24, 2022

Record of measures

n. 61 of February 24, 2022

#### THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stazione, president, Prof. Ginevra Cerrina Feroni, vice president, Avv. Guido Scorza, member and dr. Claudio Filippi, Deputy Secretary General;

GIVEN the Regulation (EU) n. 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 (General Data Protection Regulation, hereinafter, "Regulation") ;

GIVEN the Legislative Decree 30 June 2003, n. 196, as amended by Legislative Decree 10 August 2018, n. 101, containing the Code regarding the protection of personal data (hereinafter the "Code");

GIVEN the Legislative Decree 18 May 2018, n. 51, which entered into force on 8 June 2018, implementing Directive (EU) 2016/680 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 by the authorities competent for the purposes of prevention, investigation, detection and prosecution of crimes or execution of criminal sanctions, as well as for the free circulation of such data and which repeals Council Framework Decision 2008/977 / JHA;

GIVEN the Decree of the President of the Republic of 15 January 2018, n. 15 containing the "Regulation pursuant to article 57 of legislative decree no. 196, containing the identification of the methods of implementation of the principles of the Code regarding the protection of personal data in relation to the processing of data carried out, for police purposes, by police bodies, offices and commands ";

GIVEN art. 49 of Legislative Decree no. 51/2018 according to which "Article 57 of the Code is repealed after one year from the date of entry into force of this decree. The decrees adopted in implementation of articles 53 and 57 of the Code continue to apply until the adoption of a different discipline pursuant to articles 5, paragraph 2, and 9, paragraph 5 "(paragraphs 2 and 3 of article 49 cit.) ;

GIVEN the Regulation of the Guarantor 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](http://www.gpdp.it), doc. web n. 9107633 (hereinafter "Regulation of the Guarantor no. 1/2019");

Having seen 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 story.

During a proceeding initiated by Mr. XX, the Authority was notified of the publication, on some internet sites and newspapers, of a video and images, marked by the coat of arms of the State Police, in which the operations of arrest carried out on February 16, 2015 by the XX against eight suspects, held responsible for some crimes, including the aforementioned interested party.

The video in question, in which some moments of the aforementioned operations are visible, associated with the images of the arrested (portraits in the foreground with their name imprinted under each image), was found to be viewable on the Facebook page of the XX, as reported by the aforementioned interested party, accompanied by the following text: XX ([https: // ...](https://...)) and on the YouTube web platform ([http: // ...](http://...)).

Following the verification of this treatment, the Guarantor for the protection of personal data ("Guarantor") has initiated an investigation against the Ministry of the Interior ("Ministry"), to which it has sent a request for information, addressed also to the XX, with regard to the methods and purposes of the dissemination of the video in question, the acts with which the decision to disseminate this video was (possibly) taken, as well as the technical-organizational measures adopted in order to ensure compliance of the regulations on the protection of personal data, with particular reference to the provisions of the aforementioned art. 14 of the Presidential Decree 15/2018, also in light of the establishment (by decree of the Chief of Police of 23 July 2019) of the Mission Structure for the identification and implementation of technical-organizational measures regarding the processing of personal data, communicated to the Guarantor with note n. 555-DOC / C / SPEC / SPMAS /

3862/19 of 24 July 2019 (note prot.n.30208 of 7 August 2020).

The Ministry responded to the aforementioned request, with note prot. n. 555-DOC / C / SMPD / 4503/20 of 18 September 2020, by means of which he represented:

- regarding the nature of the images in question, published by XX, that they do not have "the characteristic of reproducing" persons in detention "and therefore cannot be assimilated to" mug shots "" (page 2 of the cited note .), recalling Cass. civ., Section III, 9 January 2014, n. 194 and Cass. civ., Section III, 21 March 2014, n. 12834;
- with regard to the purposes of the processing in question, that "the publication of the photographs in question was carried out in accordance with the provisions of the D.P.R. n. 15 of 2018, which states "The dissemination of personal images is allowed when ... it is justified by the need for justice or police ... it is in any case carried out in such a way as not to prejudice the dignity of the person ..." (art. 14, paragraph 2, Presidential Decree cit.) The "specific purpose" of the publication is in fact linked to the need to facilitate the conduct of judicial police investigations, allowing people who have come "in contact" with those arrested to reveal new useful details to complete the evidential framework and above all to identify in them the authors of any similar criminal acts previously unknown. The arrested (in execution of precautionary measures) belonged to a dangerous and organized delinquent group dedicated to the commission of thefts and robberies (aggravated by the use of firearms) to the detriment of banks and post offices, perpetrated in various cities. and over a period of several years and precisely these characteristics of "diffusivity" justified the publication of the images to reach the widest audience and allow those who had "crossed" the suspects to recognize them and collaborate with the justice system. " (page 4 of the cit. note);
- with regard to the methods of dissemination of the images, that "the Police Headquarters in sending the audio-video press release to the agencies and newspapers concerned, as well as in its publication on its Facebook page, complied with the directives issued by the undersigned Department of public safety - already known to this Authority - and in particular to that issued with the prot. 555 / EST / S / 1/1668/14, of 23 July 2014, concerning the information and institutional communication activities of the State Police ", according to which" ... for judicial police activities, any general provisions issued by the competent judicial authority in relation to specific confidentiality reasons ... "; "That any photographic reproductions or films relating to the judicial police operations are preliminarily shared with the External Relations and Ceremonial Office, in order to further verify that the multimedia material corresponds to the current legislation and to the directives issued by the Privacy Guarantor, especially in theme of respect for the dignity of the person ... "and that" the dissemination of images concerning

people in the phase of the execution of measures restricting personal freedom - and always respecting their dignity - is allowed only in an exceptional way, for example on the occasion of the arrest of a great wanted man. The dissemination of mug shots can instead be authorized only when they are the only ones available, and there is a need to disclose them, as in the case of escapes or dangerous fugitives ". In addition, it was stated that: "with regard to the decision to disseminate the audio-video press release, according to consolidated practice, the initiative is the responsibility of the Press Office of the Police Headquarters, in agreement with the investigative structure that carried out the activity investigation, in any case with the approval of the Quaestor. Furthermore, as mentioned above, the video is preliminarily shared with the External Relations and Ceremonial Office of the Department of Public Security, which is entrusted with the task of further examining its contents in order to comply with the legislation on the protection of personal data. " (page 4 of the cit. note);

- with regard to the technical security measures to guarantee the protection of personal data, that "in the context of the Press Office, personal images are handled by authorized personnel with the use of electronic tools. The computer data are stored in the computers of the Office and are accessible only to personnel with personal authentication credentials "(page 5 of the note cited).

Following the aforementioned response and the outcome of some investigations by the Office relating to the permanent disclosure of the images in question, the Guarantor asked the Ministry for further clarifications on the reasons for which the disclosure of these images, with the names of the interested parties imprinted, was still carried out on the Facebook profile of the XX and if it was the intention of the Ministry, through the Police Headquarters, to remove them, without prejudice to any assessment by the Guarantor regarding the treatment in question, also for the purpose of initiating a procedure for the adoption of a corrective / sanctioning measure (note prot. no.14869 of 15 December 2020). In the response, the Ministry stated that "in the specific case, the purpose of the communication was to let users know the identity of the persons responsible for the crimes, in order to be able to ascertain through the disclosure of their faces, if there were other episodes connected to them. Finally, it should be noted that, also considering the time elapsed since their publication, the XX, on 23 December last year, at 9.54, proceeded to remove the images from the Facebook page of the Police Headquarters "(note prot. No. 49861 of 31 December 2020 ).

Subsequently, on 15 January 2021, the Authority accessed the web page [https:// ...](https://...) containing the video called "XX", of which it acquired a copy and which was published on 16 February 2015 on the YouTube channel called "Pupia Crime" with 2,362

views.

With note prot. n. 3070 of January 15, 2021, the Office, on the basis of the elements acquired in the context of the investigation launched, and the subsequent assessments carried out, notified the Ministry, as data controller, pursuant to Articles 42, paragraph 4, of the legislative decree n. 51/2018, 166, paragraph 5, of the Code and 12 of the Reg. Of the Guarantor n. 1/2019, the initiation of the procedure for the adoption of the measures referred to in Articles 37, paragraph 3, and 42 of the legislative decree n. 51/2018, inviting him to produce defensive writings or documents to the Guarantor or to ask to be heard by the Authority (art.166, paragraphs 6 and 7, of the Code; art.18, paragraph 1, of law n. 11/1981; Article 13, paragraph 3, Reg. Of the Guarantor no. 1/2019).

In particular, the Office found that the Ministry has put in place a processing of the personal data of the person concerned, in the manner described above, in violation of art. 3, paragraph 1, lett. a) of Legislative Decree no. 51/2018, in conjunction with articles 5 of Legislative Decree no. 51/2018 and 14 D.P.R. n. 15/2018 (see Articles 4 and 8 of EU Directive 2016/680), a violation that made the administrative sanction provided for by art. 42 of Legislative Decree no. 51/2018 (see art.57 EU Directive 2016/680).

Following the initiation of the procedure, the Ministry did not send any written defense or a request for a hearing.

## 2. Outcome of the preliminary investigation and applicable regulations.

As already represented in the communication of the initiation of the procedure, on the basis of what was reported by the Ministry, it is ascertained that the treatment in question - consisting in the disclosure of a video containing the images of the faces, with their respective names imprinted, of eight suspects who were reported to have arrested and the images of the moments in which they (in this case, with their faces covered) were led by police officers in the service cars - it took place for police purposes and lasted until to December 23, 2020 (the day it was removed from the XX's Facebook profile).

The following is considered applicable to the treatment described: Directive (EU) 2016/680, which in the preamble recalls the Charter of Fundamental Rights of the European Union, as well as the European Convention on Human Rights (see cons. 1 and 46 Directive); the Legislative Decree n. 51 of 18 May 2018; the Decree of the President of the Republic of 15 January 2018, n. 15 which identifies the methods of implementation of the principles of the Code relating to the processing of data carried out, for police purposes, by police bodies, offices and commands (still in force pursuant to Article 49 of Legislative Decree no. ).

The legislative decree n. 51/2018 establishes, in particular, that personal data are "processed lawfully and correctly" (Article 3, paragraph 1, letter a)) and that the processing is lawful if it is necessary for the performance of a task of a competent authority for the purposes of prevention, investigation, detection and prosecution of crimes or execution of criminal sanctions (Article 5, paragraph 1). Furthermore, personal data are "b) collected for specific, express and legitimate purposes and processed in a manner compatible with these purposes; c) adequate, relevant and not excessive in relation to the purposes for which they are processed "(Article 3, paragraph 1, letters b) and c)) and the owner is responsible for compliance with these principles.

With particular regard to the disclosure of personal images, the D.P.R. n. 15/2018 provides that "the dissemination of personal images is permitted when the person concerned has given his consent or is necessary for the protection of life or physical safety or is justified by the need for justice or the police; it is in any case carried out in such a way as not to prejudice the dignity of the person. " (Article 14, paragraph 2). Moreover, to date no communication has been made to the Guarantor, pursuant to paragraph 3 of the aforementioned article 14 which states: "the Guarantor is informed of the general directives adopted at national level on the dissemination of personal data or images".

### 3. The jurisprudence of the ECtHR.

More generally, the dissemination of an image of a person subject to coercive measures constitutes a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), if it does not take place in compliance with the conditions set out in art. 8 of the ECHR, which establishes: "1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There can be no interference by a public authority in the exercise of this right unless such interference is provided for by law and constitutes a measure which, in a democratic society, is necessary for national security, public security, the economic well-being of the country, to the defense of order and the prevention of crimes, the protection of health or morals, or the protection of the rights and freedoms of others ".

The ECtHR has therefore examined this "interference", in order to establish whether it is provided for by the law, pursues a legitimate purpose and is proportionate to the aim pursued (ECtHR *Toma v. Romania*, n. 42716/02, 24 February 2009 ; *Khoujine and others v. Russia*, no. 13470/02, 23 October 2008; *Gurgenidze v. Georgia*, no. 71678/01, 17 October 2006; *Sciacca v. Italy*, no. 50774/99, 11 January 2005, § 28 / 29).

As regards the examination of the legitimate purpose, the ECtHR stated that, in order to justify such a limitation of the right to privacy, consisting in the publication of a photo relating to subjects subjected to pending criminal proceedings, there must be

valid and convincing reasons (*Khoujine and others v. Russia*, cit., § 117; *Toma v. Romania*, n. 42716/02, 24 February 2009, § 92). In the aforementioned judgments, in one case, the authorities had provided the press with a photo of an interested party in custody at the time, in another case, they had allowed the press to access the police premises where another interested party was in arrest. Taking into account the fact that the applicants were not fugitives, were in detention and the process had not yet begun, the Court found the violation of art. 8 ECHR as the interference did not pursue any legitimate purpose, not aiming to protect any interest of justice, such as ensuring the applicant's appearance at the trial or preventing offenses of a criminal nature (*Khoujine and others v. Russia*, cit. , § 117; *Toma v. Romania*, n. 42716/02, 24 February 2009, § 92).

As for the proportionality of the measure adopted, the ECtHR found its jurisprudence on the publication in the press of images or videos of public figures to be not applicable *mutatis mutandis* to cases in which such publications concern persons accused in the context of criminal proceedings, not considered "public figures" for the sole fact of being part of a criminal trial, but "ordinary people", who must therefore enjoy greater protection of the right to private life (*Sciacca v. Italy*, cit., § 28 / 29 and *Gourguénidzé v. Georgia*, cit., § 57).

Moreover, it must be taken into account that such persons enjoy the additional protection deriving from the "presumption of innocence" pursuant to art. 27, paragraph 2, of the Constitution (see articles 6, paragraph 2, ECHR, 48 CDFUE, cons. 31 of the EU Directive 2016/680). If it is therefore legitimate to provide public opinion with as complete information as possible on those aspects of the investigation that are no longer covered by secrecy, it is always necessary to take into due consideration the presumption of innocence and the dignity of the persons under investigation ( v. circular of the Public Prosecutor of Naples n.4 of 19 December 2017).

#### 4. The treatment of data and the dignity of the person.

Considering this and also taking into account the supranational provisions cited, as well as the jurisprudence of the ECtHR, the treatment in question, consisting in the disclosure of the image of the data subjects in the context described, was not "necessary" for the performance of a task of a competent authority for purposes of prevention, investigation, detection and prosecution of crimes or execution of criminal sanctions (see Articles 3, paragraph 1, letter a) and 5 of Legislative Decree no. 51/2018). In this regard, the Ministry did not demonstrate during the proceedings before the Guarantor the actual police needs underlying the disclosure in question, also taking into account the fact that the video described the arrest operations of the interested parties, without giving account of the reasons why the disclosure of the images in question was necessary. Nor can

this need be recognized in the generic intent to "complete the evidential framework and above all to identify in them the authors of any similar criminal acts previously unknown" (see note of 18 September 2020 cit.), Devoid of any element of concreteness and specificity that can justify a treatment such as the one in question. Moreover, the fact that the removal of the images took place, only at the invitation of the Guarantor, more than 5 years after the arrest operations took place, represents a further indication of the unlawfulness of the treatment in question, also in consideration of the suitability of the same to prejudice the dignity of the interested parties.

In this regard, it should be noted that, in the video, 7 images out of 8 of the faces of the interested parties, of which the arrest is reported, appear to have the characteristics of images acquired during the arrest operations and are anticipated by other frames, in which the same interested parties (albeit with their faces covered, but clearly in the foreground in the following images) are coercively conducted by police officers inside the service cars.

The images, therefore, both for the characteristics of the shot and for the presence within them of the institutional logo of the State Police, associated with the previous frames in which the interested parties are arrested, appear essentially similar to mug shots, even if in the absence of superimposed numbers.

In this regard, it should be remembered - as underlined by the Court of Cassation - that the dignity of the human person must be protected in every situation, especially "when the person finds himself in a situation of temporary inferiority that makes him particularly exposed and vulnerable, in order to avoid that the legitimate and indeed protected, even at a constitutional level, the activity of dissemination of news is carried out in a manner that is free of charge humiliating towards the subjects involved. In fact, the mugshot was created with a specific purpose (to identify a subject in the police file) and for this reason it must comply with certain standard requirements for which, due to the forced position made to assume the subject portrayed, due to the fact that it bears numerical indications in superimposition suitable for to identify the person portrayed, unequivocally subjected to a restrictive measure of freedom, due to the context of place and fact in which it was taken, it portrays a person against his will in an objectively humiliating situation in which he cannot oppose nor the release of the photos or other identification practices in other mortifying ways "(Cass. Civ., section III, June 6, 2014 n. 12834).

In this case, if it is true that the superimposed numerical indications are not viewable, replaced in the video by the names of the interested parties, all the other elements mentioned by the Supreme Court are still used (forced position of the subject, portrayed in the foreground, without his consent and in an objectively humiliating situation), to which are added the further



images of the interested parties who, although with their faces covered, are forcibly arrested.

Moreover, whether it is the diffusion of a "mugshot" or the diffusion of a simple passport-size photo of the arrested person, the "particular potential detrimental to the dignity of the person connected to the typical emphasis of the instrument must be taken into account visual, and the greater suitability of it for a de-contextualized dissemination and not subject to control by the person portrayed "(Cass. civ., section III, 6 June 2014 n. 12834; Cass. civ., section III, 13 May 2020 no. 8878).

Regarding the disclosure of images of people subjected to judicial proceedings, the Guarantor has intervened several times against newspapers and websites, affirming the prohibition to disseminate the images of the same, even in the context of press conferences, if there are no purposes of justice and police or reasons of public interest (among others, Provision no.76 of 25 February 2021 in [www.gdpd.it](http://www.gdpd.it) - web doc. no.9568040, no.38 of 7 February 2019 in [www.gdpd.it](http://www.gdpd.it) - web doc. n.9101651 November 26, 2003 at [www.gdpd.it](http://www.gdpd.it) - web doc. n.1053631, Provv. March 19, 2003 at [www.gdpd.it](http://www.gdpd.it) - web doc. n. 1053451).

In light of the absorbing criteria defined by the Supreme Court regarding the potential damaging to the image and dignity of people subjected to coercive powers, it becomes irrelevant to dwell further on whether or not they are "images of people in detention", noting instead the circumstance that the treatment in question is not supported by police "necessity".

It should in fact be considered that the processing in question was carried out in the context of the exercise of police tasks, as recognized by the same Ministry, and therefore is not regulated by articles 136 and following of the Code and by the related code of ethics, which in article 8 contains an ad hoc discipline for the dissemination of images of people in detention in the context of journalistic activities, but rather by Legislative Decree 51/2018 and by Presidential Decree no. 15/2018 cited.

In the case in question, therefore, the processing must be examined in the light of this regulatory framework for which the processing of personal data by the police authorities is "lawful if necessary" for the performance of a task of a competent authority for police and justice purposes (articles 1, paragraph 2, 3, paragraph 1, letter a) and 5 of Legislative Decree no. 51/2018), while the disclosure of images is allowed when it is justified "by the need for justice or police; it is in any case carried out in a manner that does not prejudice the dignity of the person "(Article 14, paragraph 2, Presidential Decree 15/2018).

Moreover, these principles of the need for justice and police and protection of the dignity of the person - referred to to protect the image also by articles 10 of the civil code and 97 of law no. 633/1941 on the subject of copyright - are expressly referred to by the same Ministry in circular 123 / A183.B320 of 26.2.1999, which underlines the need that, even in the hypothesis of indisputable "need for justice and police "to the dissemination of images, a circumstance that does not occur in the case in

question," the right to privacy and the protection of personal dignity must always be taken into the utmost consideration ". Also in the subsequent circular 555 / EST / S / 1/1668/14 of 23 July 2014 concerning the information and institutional communication activities of the State Police, it is pointed out that "the dissemination of mugshots can instead be authorized only when the only available, and there is a need to disclose them, as in the hypothesis of escapes or dangerous fugitives ". In the case in question, as we have seen, the omission of the superimposed numbers (replaced, however, by the names of the 7 aforementioned interested parties) does not affect the characteristics of the images in question.

## 5. 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 information o circumstances o 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" □ the elements provided by the data controller during the investigation do not allow to overcome the findings notified by the Office with 'initiation of the procedure.

Given, in fact, that the owner is responsible for compliance with the principles referred to in Article 3, paragraph 1, of Legislative Decree no. 51/2018 (Article 3, paragraph 4) and must be "able to prove it" (Article 4, paragraph 4, EU Directive 2016/680), during the investigation carried out no effective need to disclose the images in question - in addition to the various information provided to the press accompanying them, including the names of the interested parties, the number of a car registration plate and other elements relating to the legal proceedings in progress - resulting in the processing itself not only unnecessary, but also exceeding with respect to police purposes (Article 3, paragraph 2, letter c) of Legislative Decree no. 51/2018), taking into account that the disclosure in question was still ongoing in December 2020, while the arrest operations took place in February 2015, and that the purpose indicated by the Ministry appears, due to its generic nature, unsuitable to justify a dissemination of images of this nature, without any consideration for the aforementioned needs for the protection of dignity, privacy and protection of personal data, clearly manned by the ECtHR and by the Supreme Court of Cassation.

In other words, the images in question were disseminated by the Ministry in violation of the regulations on the protection of personal data and in a way that is detrimental to the dignity of the persons concerned, also in consideration of the state of subjection of the same and the long period that has elapsed from the moment of the arrest at the moment in which, at the

request of the Authority, the images were removed by the holder.

For these reasons, the processing of personal data carried out by the Ministry of the Interior through the disclosure of the data in question is illegal, in violation of Articles 3, paragraph 1, lett. a) and c) and 5 of the legislative decree n. 51/2018 and 14 of the Presidential Decree n. 15/2018.

Violation of the provision referred to in Article 3, paragraph 1, letter a), is punished, pursuant to Article 42, paragraph 1, of Legislative Decree no. 51/2018, with the administrative sanction of the payment of a sum from 50,000 euros to 150,000 euros.

The same article establishes in the third paragraph that in determining the administrative sanction to be applied, the criteria referred to in Article 83, paragraph 2, letters a), b), c), d), e), f), g), h), i), k), of the Regulation.

On the basis of these criteria, the particular nature of the data in question must be taken into account (images referring to persons subjected to arrest) and the duration of the treatment in question (images disclosed for years).

On the basis of the aforementioned elements, evaluated as a whole, it is considered to determine the amount of the pecuniary sanction at € 60,000 (sixty thousand), as an effective, proportionate and dissuasive measure (Article 83, paragraph 1, Regulation).

WHEREAS, THE GUARANTOR

declares the unlawfulness of the data processing of the interested parties, carried out by the Ministry, for the violation of articles 3, paragraph 1, lett. a) and c) and 5 of the legislative decree n. 51/2018 and 14 of the Presidential Decree n. 15/2018, in the terms set out in the motivation and, consequently,

ORDER

to the Ministry of the Interior, the data controller, to pay the sum of € 60,000.00 (sixty thousand) as a fine for the violation of Article 3, paragraph 1, lett. a) of Legislative Decree no. 51/2018, representing that the offender, pursuant to art. 166, paragraph 8, of the Code, has the right to settle the dispute by paying, within thirty days, an amount equal to half of the sanction imposed;

INJUNCES

the aforementioned owner, in the event of failure to settle the dispute pursuant to Article 166, paragraph 8, of the Code, to pay the sum of € 60,000.00 (sixty thousand), according to the methods indicated in the annex, within 30 days of notification of the 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 Article 166, paragraph 7, of the Code, the full publication of this provision on the website of the Guarantor and believes that the conditions referred to in Article 17 of the Guarantor's regulation no. 1/2019 concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Authority.

Pursuant to articles 39, paragraph 3, of the legislative decree n. 51/2018 and 10 of the d. lgs. 1 September 2011, n. 150, an opposition may be proposed against this provision, alternatively, to the court of the place where the data controller resides or has its headquarters, or to the court of the place of residence of the interested party, within thirty days from the date of communication of the provision itself.

Rome, February 24, 2022

PRESIDENT

Stanzione

THE RAPPORTEUR

Cerrina Feroni

THE DEPUTY SECRETARY GENERAL

Philippi