

[doc. web n. 9714622]

Injunction order against the Municipality of Ladispoli - 16 September 2021

Record of measures

n. 325 of 16 September 2021

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stanzione, president, Professor Ginevra Cerrina Feroni, vice president, dr. Agostino Ghiglia and the lawyer Guido Scorza, members and dr. Claudio Filippi, Deputy Secretary General;

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 "RGPD");

GIVEN the d. lgs. June 30, 2003, n. 196 containing the "Code regarding the protection of personal data (hereinafter the " Code ");

GIVEN the general provision n. 243 of 15/5/2014 containing the "Guidelines on the processing of personal data, also contained in administrative deeds and documents, carried out for the purpose of advertising and transparency on the web by public entities and other obliged entities", published in the Official Gazette. n. 134 of 12/6/2014 and in www.gpdp.it, doc. web n. 3134436 (hereinafter "Guidelines on transparency");

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 operation of the office of the Guarantor for the protection of personal data, in www.gpdp.it, doc. web n. 1098801;

Professor Ginevra Cerrina Feroni will be the speaker;

WHEREAS

1. Introduction

This Authority has received a complaint from Mr. XX (hereinafter "complainant"), with which a violation of the legislation on the protection of personal data resulting from the dissemination of personal data on the institutional website of the Municipality of Ladispoli was contested.

Specifically, as emerged from the preliminary verification carried out by the Office, in the area dedicated to the praetorian register, through the link relating to the "historical deeds", by filling in the appropriate search form, it was possible to view the following documents referring to the complainant:

1. managerial determination no. XX of the XX (lawyer sector - judicial and extrajudicial litigation), concerning "Xx" (url: [http: //](http://...) ...; [http: //](http://...) ...);
2. annex to executive resolution no. XX containing the accounting regularity visa ([http: //](http://...) ...);
3. managerial determination no. XX of the XX (lawyer sector - judicial and extrajudicial litigation), concerning «Cancellation of determination no. XX of the XX and contextual liquidation of the injunction upon sentence of the Justice of the Peace of Civitavecchia n. XX in favor of Mr. XX. " (url: [http: //](http://...) ...; [http: //](http://...) ...);
4. attached to executive resolution no. XX containing the accounting regularity visa ([http: //](http://...) ...);
5. attached to executive resolution no. XX containing the payment order n. XX del XX presented by Mr. XX towards the Municipality of Ladispoli ([http: //](http://...) ...).

The documents indicated above contained personal data and information of the complainant in the text and in the subject, such as in addition to the name also the date and place of birth, the address of residence, the tax code, the personal iban code on which to credit the sums due. by the Municipality, as well as detailed details of the events relating to a judicial dispute against the entity before the ordinary Court.

From the documents it appears that the complainant had previously contacted the Municipality to exercise the rights regarding the protection of personal data, requesting the obscuring of his personal data including the name, residence and iban code, but did not receive any feedback

2. The legislation on the protection of personal data

Pursuant to the relevant regulations, "personal data" is "any information concerning an identified or identifiable natural person ("interested ") and "the natural person who can be identified, directly or indirectly, with particular reference to a identifier such

as the name, an identification number, location data, an online identifier or one or more characteristic elements of its physical, physiological, genetic, psychic, economic, cultural or social identity "(art. 4, par. 1 , No. 1, of the GDPR).

In this regard, with particular reference to the case submitted to the attention of this Authority, it is recalled that public entities, such as the Municipality, may disclose "personal data" only if this operation is provided for "by a law or, in the cases provided for by law, regulation "(Article 2-ter, paragraphs 1 and 3, of the Code), in compliance - in any case - with the principles of data protection, including that of " minimization ", based on which personal data must be "adequate, relevant and limited to what is necessary with respect to the purposes for which they are processed" (Article 5, paragraph 1, letter c, of the GDPR).

The state legislation of the sector also provides that "All the resolutions of the municipality and of the province are published by publication on the praetorian notice, at the headquarters of the body, for fifteen consecutive days, except for specific provisions of the law" (art. 124, paragraph 1, legislative decree no. 267 of 18/8/2000).

With regard to the publication on the praetorian register, since 2014, the Guarantor has provided specific indications to the administrations on the precautions to be taken for the dissemination of personal data online with general provision no. 243 of 15/5/2014, containing the "Guidelines on the processing of personal data, also contained in administrative deeds and documents, carried out for the purpose of advertising and transparency on the web by public entities and other obliged entities", published in G.U. n. 134 of 12/6/2014 and in www.gdpd.it, doc. web n. 3134436 (currently being updated, but still current in the substantial part).

3. Preliminary assessments of the Office on the processing of personal data carried out.

Following the checks carried out on the basis of the elements acquired and the facts that emerged as a result of the investigation, as well as subsequent evaluations, the Office with note prot. n. XX of the XX has ascertained that the Municipality of Ladispoli - by disseminating the personal data and information contained in the documents published online described above - has carried out a processing of personal data that does not comply with the relevant regulations on the protection of personal data contained in the RGD. Therefore, with the same note the violations carried out (pursuant to art.166, paragraph 5, of the Code) were notified to the aforementioned Municipality, communicating the start of the procedure for the adoption of the measures referred to in Article 58, par. 2, of the RGD and inviting the aforementioned administration to send to the Guarantor defensive writings or documents and, if necessary, to ask to be heard by this Authority, within the term of 30 days (Article 166, paragraphs 6 and 7, of the Code; as well as art.18, paragraph 1, of law no. 689 of 11/24/1981).

4. Defensive memories.

The Municipality of Ladispoli, with a note of the XXth, sent its defense writings to the Guarantor in relation to the violations notified.

In this regard, please note that, unless the fact constitutes a more serious crime, anyone who, in a proceeding before the Guarantor, falsely declares or certifies news or circumstances or produces false documents or documents, is liable pursuant to art. 168 of the Code, entitled "False statements to the Guarantor and interruption of the performance of the tasks or the exercise of the powers of the Guarantor"

In particular, with regard to the conduct held, the Entity highlighted, among other things, that:

- the "Municipality of Ladispoli [has] spontaneously complied with the provisions of art. 15, paragraph 1, of the Regulations of the Guarantor for the Protection of Personal Data n. 1/2019, approved by resolution of 04/04/2019, removing from the institutional website of the Body, on-line Pretorio Albo - Section "Historical Acts", the executive decisions no. XX of the XX and n. XX of the XX, as well as all related attachments, including a copy of the deed of payment order ";
- the "identification and personal data of the complainant, relating to the name, date and place of birth, tax code, address of residence and IBAN code, reported by the same in the deed of payment order (notified to the Municipality on XX, prot. Com. n. XX), they were indicated in the two contested payment determinations as "pertinent and not excessive", as they are aimed at the liquidation by the Municipality of the sum notified therein ";
- "In general, resolutions and executive decisions are compulsorily published in the online Praetorian Register for fifteen consecutive days. Subsequently, the same automatically pass through the "Historical Acts" section of the online Praetorian Register to remain accessible for a period of five years, as required by art. 8, paragraph 3, of Legislative Decree 14 March 2013, n. 33, and subsequent amendments, which states: 'The data, information and documents subject to mandatory publication pursuant to current legislation are published for a period of 5 years, starting from 1 January of the year following the one from which the obligation of publication begins, and in any case until the published acts produce their effects ";
- "As already mentioned, the indication of personal data and supporting documents relating to the two executive settlement decisions in question is expressly provided for by art. 184, paragraph 3, of Legislative Decree 267/2000 ";
- "It should also be noted that the place and date of birth (so-called reverse tax code) can be easily obtained from the tax code of the subject, while as regards the residence of the complainant, it can be easily extracted online by accessing at the following

link [indicated in the documents], where a technical expert report is published, drawn up and signed by XX, in his capacity as expert witness in the judicial procedure for real estate execution better identified therein, and where, moreover, the mobile telephone number and the 'e-mail address of the same complainant';

- "Having said that, and in any case, it is believed that the online publication of the current complainant's personal data cannot cause him any prejudice or injury to his personal sphere, given that it was the complainant himself who disclosed the their personal data online, with access allowed to all web users ";

- "[...] it was decided to proceed for the future to minimize the personal data contained in the administrative documents to be published, giving a mandate to the municipal IT Service to find the technical remedy for the obscuring of unnecessary personal data".

5. Evaluations of the Guarantor

The issue that is the subject of the case submitted to the attention of the Guarantor concerns the disclosure of the complainant's personal data and information contained in the executive decisions of the Advocacy Sector - judicial and extrajudicial litigation n. XX and n. XX, with the related attachments containing the accounting regularity visa and the payment order presented by the complainant to the Municipality. The aforementioned documents contained data and personal information of the complainant in the text and in the subject, such as in addition to the name also the date and place of birth, the address of residence, the tax code, the personal iban code on which to credit the sums due. by the Municipality, as well as detailed details of the events relating to the judicial dispute against the entity before the ordinary Court.

As part of the investigation opened in this regard by this Authority, the Municipality of Ladispoli confirmed, in its defense briefs, the online dissemination of the personal data described, justifying its conduct on the basis that the data were necessary as «Aimed at the liquidation by the Municipality of the sum notified therein» and that «the indication of personal data and supporting documents relating to the two managerial liquidation decisions in question is expressly provided for by art. 184, paragraph 3, of Legislative Decree 267/2000 ". Furthermore, it was highlighted that the publication of the decisions and executive resolutions takes place for 15 days on the praetorian register and remains there for 5 years, in the Historical acts, in application of art. 8, paragraph 3, of the d. lgs. n. 33/2013.

However, it is believed not to be able to fully accept the justifications put forward by the Municipality for the reasons indicated below.

As for the reference to art. 184, paragraph 3, of the d. lgs. n. 267 of 18/8/2000 - contained in the defense briefs - the aforementioned provision does not provide for any form of publicity or compulsory publication of the documents to which it refers, but regulates the procedures for "settlement of expenditure", stating that "The act of settlement, signed by the manager of the proposing service, with all the relevant supporting documents and accounting references, is sent to the financial service for the consequent obligations ". In this context, it is absolutely correct to state, as done by the entity, that the processing by the Municipality of the complainant's personal data, contained in the liquidation deed and in the related supporting documents, are necessary and relevant (identification data, iban etc. .), but only limited to the transmission "to the financial service for the consequent formalities" and for the purpose of settling the sums due, without this leading to any automatism in the publication of the documents in question on the online praetorian register, however, in full form .

In the case submitted to the attention of the Guarantor, and inherent to the issue of the dissemination of personal data contained in deeds and documents published on the online praetorian register, the state legislation of the sector is applied, which provides as "All resolutions of the municipality and the province are published by publication in the praetorian notice, at the headquarters of the body, for fifteen consecutive days, except for specific provisions of the law "(art. 124, paragraph 1, legislative decree n. 267/2000).

As for the 15-day deadline for the publication of the resolutions in the praetorian register, this Authority has highlighted and intervened on several occasions to reiterate that once the time period envisaged for the publication of the acts and documents in the praetorian register has elapsed, «the local authorities cannot continue to disseminate the personal data contained therein [as], for the period exceeding the duration provided for by the relevant legislation, an illegal dissemination of personal data would be determined because it is not supported by suitable regulatory conditions [...] " (Guidelines on transparency, cit. Second part, par. 3.a). In this regard, the permanence on the web of personal data contained in the resolutions of local authorities beyond the term of fifteen days, provided for by art. 124 of the aforementioned d. lgs. n. 267/2000, «can integrate a violation of the aforementioned art. 19, paragraph 3, of the Code [n.d.r. today reproduced in art. 2-ter, paragraphs 1 and 3, of the Code], where there is no different legislative or regulatory parameter that provides for its disclosure [...] "(ibidem). This certainly does not prevent "local authorities [from] continuing to keep published deeds and documents on their institutional website, for example in the sections dedicated to the archives of the deeds and / or legislation of the body", however, in relation only to personal data, it is necessary to make "the appropriate measures for the relative protection" by providing "once

the publication period provided [by the consolidated text of the local authorities, and in the absence of a different legal basis,] to obscure the data in the published documentation and information suitable for identifying, even indirectly, the interested parties "(ibidem).

On this point, it is not possible to accept the exception proposed by the Municipality according to which the documents published on the online praetorian register must instead remain published on the institutional website for 5 years, in the Historical acts, pursuant to art. 8, paragraph 3, of d. lgs. n. 33/2013.

This is because, as expressly stated also by the National Anti-Corruption Authority (ANAC) - which represents the Authority in charge of supervising the online publication obligations for transparency purposes contained in Legislative Decree lgs. n. 33/2013 (see art. 45) - "The keeping in the praetorian register, also following the replacement of the paper form with the provision of online insertion, does not fall directly within the scope of application of the rules on administrative transparency pursuant to Legislative Decree 33/2013. Consequently, ANAC is not responsible for supervising the publication of documents and information published in the online praetorian register "and the" duration of the publication of documents in the online praetorian register does not coincide, since it is shorter, with the duration of publication of the data on institutional sites within the "Transparent administration" section that art. 8, co. 3, of the legislative decree n. 33/2013 fixed at five years "(see ANAC," FAQ on transparency (on the application of Legislative Decree no. 33/2013 as amended by Legislative Decree 97/2016) ", no. 1.5 and 1.8, in <http://www.anticorruzione.it/portal/public/classic/MenuServizio/FAQ/Trasparenza>).

Similarly, this Authority also provided specific indications in this regard with the aforementioned guidelines on transparency, highlighting that ", considering the profile of the different applicable legal regime, the provisions that regulate the disclosure obligations of the administrative action for transparency [to which the regime provided for by d. lgs. n. 33/2013 (term of 5 years for maintaining the document on the web, indexing obligation, possibility of re-use, etc.)] from those regulating forms of advertising for different purposes "(see" Introduction "). In this context, "they must be considered extraneous to the object of [...] legislative decree [n. 33/2013] all the publication obligations provided for by other provisions for purposes other than those of transparency, such as the obligations of publication for the purposes of legal advertising, supplementary advertising of effectiveness, declarative advertising or news (already illustrated by way of example in the "Introduction" and taken into consideration in the second part of these Guidelines. "These hypotheses clearly include the provisions on the keeping of the praetorian register in local authorities which provide for the obligation to post on the praetorian register for the purpose of legal

advertising of all the resolutions of the municipality and the province for fifteen consecutive days (Article 124, paragraphs 1 and 2, of Legislative Decree No. 267/2000), to which the five-year advertising regime is consequently not applicable, provided for by art.8 of legislative decree n. 33/2013.

In any case, it has been recalled on several occasions that even the presence of a specific advertising regime cannot entail any automatism with respect to the online dissemination of personal data and information, nor an exception to the principles regarding the protection of personal data of origin. European Union, provided for by the RGPD, such as - among others - that of "minimization", according to which personal data - also contained in deeds or documents whose online dissemination is provided for by a specific regulatory basis - must not only be "adequate "And" pertinent ", but also" limited to what is necessary with respect to the purposes for which they are processed "(art. 5, par. 1, lett. C).

This is also confirmed by the personal data protection system contained in the RGPD, in light of which it is also envisaged that the data controller must put in place "adequate technical and organizational measures to ensure that they are processed, by default, only the personal data necessary for each specific purpose of the processing "(" data protection by default ") and must be" able to demonstrate "- in light of the principle of" accountability "- to have done so (art. 5, par. 2; 24 and 25, par. 2, GDPR). Therefore, also from this point of view, the disclosure of the data and information of the complainant relating to the date and place of birth, the address of residence, the tax code, the personal iban code on which to credit the sums due by the Municipality, is not compliant with the principle of "minimization" (art. 5, par. 1, letter c, of the GDPR), as the aforementioned data are not "limited to what is necessary with respect to the purposes" of legal advertising on the online praetorian notice board.

As for the circumstance highlighted in the defensive briefs that some personal data (address and office contact details of the complainant) were present in another document that is published online, it is not clear how this element can be useful for assessing whether the relative online dissemination by the Municipality - together with all the other information of the complainant published online by the Entity (iban, tax code, legal proceedings against the Municipality) - it was actually necessary for the exercise of the institutional functions of the entity and if the personal data were actually "limited to what is necessary with respect to the purposes for which they [were] processed "(art. 5, par. 1, lett. c; 6, par. 1, lett. e, GDPR).

It should also be noted that in any case, no provision of law or regulation provides for the online publication of the full copy of the complainant's injunction.

The Municipality, therefore, should have carried out the aforementioned assessments, first of all checking the request for the exercise of rights and for the obscuring of personal data, formulated by the complainant in the XXth. In this way, the interested party would not have needed to make a complaint to the Guarantor with the opening of a specific investigation that led to this proceeding.

6. Outcome of the investigation relating to the complaint presented

For all of the above, the circumstances highlighted in the defense writings examined as a whole, certainly worthy of consideration for the purpose of evaluating the conduct, are not sufficient to allow the filing of this proceeding, since none of the hypotheses provided for by art. 11 of the Guarantor Regulation n. 1/2019.

This also considering that since 2014 the Authority, in the Guidelines on transparency and online publication mentioned above, has provided all pp.aa. specific indications on how to reconcile the transparency and publicity obligations of the administrative action with the right to the protection of the personal data of the interested parties, also with specific reference to the precautions to be taken for the publication of the documents in the online praetorian register and in the history of deeds of the institution.

In this context, the preliminary assessments of the Office are confirmed with note no. XX of the XX and it is noted that the online dissemination of the complainant's personal data contained in the executive decisions (lawyer sector - judicial and extrajudicial litigation) n. XX and n. XX and its annexes (including the deed of payment order no. XX of the XX, published on the institutional website of the Municipality of Ladispoli, resulted in a processing that did not comply with the relevant regulations on the protection of personal data.

Specifically, the online disclosure in question of the complainant's personal data described above is:

- a) does not comply with the principle of "minimization" of data - with reference to the clear indication of the date and place of birth, tax code, residence and iban code - as they are not "limited to what is necessary with respect to the purposes for which they are processed ", in violation of art. 5, par. 1, lett. c), of the GDPR;
- b) devoid of suitable regulatory requirements for the period exceeding the fifteen days provided for by art. 124, paragraph 1, of the d. lgs. n. 267/2000 for publication in the praetorian register, in violation of art. 2-ter, paragraphs 1 and 3, of the Code; as well as the basic principles of processing contained in articles 5, par. 1, lett. a) and c); 6, par. 1, lett. c) and e), par. 2 and par. 3, lett. b), of the GDPR;

c) devoid of suitable regulatory conditions, in violation of art. 2-ter, paragraphs 1 and 3, of the Code; as well as the basic principles of processing contained in articles 5, par. 1, lett. a) and c); 6, par. 1, lett. c) and e), par. 2 and par. 3, lett. b), of the RGD, with reference to the dissemination of personal data contained in the attachment to managerial determination no. XX showing the deed of payment order no. XX del XX presented by Mr. XX against the Municipality of Ladispoli.

Considering, however, that the conduct has exhausted its effects, as the data controller declared that he had removed the personal data object of the Office's dispute from the institutional website, without prejudice to what will be said on the application of the sanction administrative pecuniary, the conditions for the adoption of further corrective measures pursuant to art. 58, par. 2, of the GDPR.

7. Adoption of the injunction order for the application of the pecuniary administrative sanction (Articles 58, paragraph 2, letter i; 83 of the GDPR)

The Municipality of Ladispoli appears to have violated the articles 5, par. 1, lett. a) and c); 6, par. 1, lett. c) and e), par. 2 and par. 3, lett. b), of the GDPR; as well as art. 2-ter, paragraphs 1 and 3, of the Code.

In this regard, art. 83, par. 3, of the RGD, provides that «If, in relation to the same treatment or related treatments, a data controller or a data processor violates various provisions of this regulation, with willful misconduct or negligence, the total amount of the pecuniary administrative sanction does not exceeds the amount specified for the most serious violation '.

In the present case, the violation of the aforementioned provisions - also considering the reference contained in art. 166, paragraph 2, of the Code - is subject to the application of the same administrative fine provided for by art. 83, par. 5, of the GDPR, which therefore applies to the case in question.

The Guarantor, pursuant to art. 58, par. 2, lett. i) and 83 of the RGD, as well as art. 166 of the Code, has the corrective power to "inflict a pecuniary administrative 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 every single case ". 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 elements provided for by art. 83, par. 2, of the GDPR.

In this sense, the detected conduct in violation of the regulations on the protection of personal data is of a culpable nature and had as its object the online dissemination of personal data for about four years referring to a single interested party, not belonging to particular categories. nor to criminal convictions or offenses (articles 9 and 10 of the GDPR). For the purposes of evaluating the conduct, however, it also notes that, as is clear from the documents, the complainant had already previously contacted the Municipality to exercise the rights regarding the protection of personal data and the same would not have needed to make a specific complaint to the Guarantor. with the opening of this proceeding if the Municipality had carried out the correct assessments, first of all checking the request to exercise the rights and to obscure the data requested by the interested party. It is also taken into account that the Municipality of Ladispoli is a medium-sized institution (almost 40,000 inhabitants), which, following the request of the Office, intervened promptly, collaborating with the Authority during the investigation of this proceeding to order to remedy the violation, mitigating the possible negative effects. In the reply to the Guarantor, various technical and organizational measures implemented pursuant to art. 25-32 of the RGPD and, in any case, there are no relevant previous violations of the RGPD committed by the entity.

Due to the aforementioned elements, assessed as a whole, it is deemed necessary to determine pursuant to art. 83, para. 2 and 3, of the RGPD, the amount of the pecuniary sanction, provided for by art. 83, par. 5, of the RGPD, to the extent of € 7,000.00 (seven thousand) for the violation of Articles 5, par. 1, lett. a) and c); 6, par. 1, lett. c) and e), par. 2 and par. 3, lett. b), of the RGPD, as well as of art. 2-ter, paragraphs 1 and 3, of the Code; as a pecuniary administrative sanction deemed effective, proportionate and dissuasive pursuant to art. 83, par. 1, of the same RGPD.

In relation to the specific circumstances of this case, relating to the dissemination of personal data online in the absence of a suitable legal basis and in violation of the principle of data minimization (Article 5, paragraph 1, letter c, GDPR), it is considered also that the ancillary sanction of the publication of this provision on the Internet site of the Guarantor, provided for by art. 166, paragraph 7, of the Code and by art. 16, paragraph 1, of the Guarantor Regulation n. 1/2019.

Finally, it is believed that the conditions set out in art. 17 of the Guarantor Regulation n. 1/2019.

WHEREAS, THE GUARANTOR

the unlawfulness of the processing carried out by the Municipality of Ladispoli in the terms indicated in the motivation pursuant to Articles 58, par. 2, lett. i), and 83 of the GDPR

ORDER

to the Municipality of Ladispoli, in the person of the pro-tempore legal representative, with registered office in p. Giovanni Falcone, 1 - 00055 Ladispoli (RM) - Tax Code 02641830589 to pay the sum of € 7,000.00 (seven thousand) as a pecuniary administrative sanction for the violations mentioned in the motivation;

INJUNCES

to the same Municipality to pay the sum of € 7,000.00 (seven 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 l. n. 689/1981.

Please note that the offender has the right to settle the dispute by paying - again according to the methods indicated in the annex - of an amount equal to half of the sanction imposed, within the term set out in art. 10, paragraph 3, of d. lgs. n. 150 of 1/9/2011 provided for the submission of the appeal as indicated below (Article 166, paragraph 8, of the Code).

HAS

- the publication of this provision on the website of the Guarantor pursuant to art. 166, paragraph 7, of the Code and by art. 16, paragraph 1, of the Guarantor Regulation n. 1/2019;
- the annotation in the internal register of the Authority of violations and measures adopted pursuant to art. 58, par. 2, of the RGPD with this provision, as required by art. 17 of the Guarantor Regulation n. 1/2019.

Pursuant to art. 78 of the RGPD, of the arts. 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, September 16, 2021

PRESIDENT

Stanzione

THE RAPPORTEUR

Cerrina Feroni

THE DEPUTY SECRETARY GENERAL

Philippi