[doc. web n. 9701570]

Injunction order against the Aosta Valley Regional Council - July 8, 2021

Record of measures

n. 262 of 8 July 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 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 "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;

HAVING REGARD to 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;

Speaker Dr. Agostino Ghiglia;

WHEREAS

1. Introduction

This Authority has received a complaint from XX, XX, XX and XX (hereinafter "the complainants") with which a violation of the legislation on the protection of personal data has been contested.

Specifically, the disclosure of the personal data of the complainants contained in the "Question [regional council] with written answer XX. XX "of the XX entitled" XX ", published on the institutional website of the Aosta Valley Regional Council, at the url https: //wdd.consiglio.vda.it / ....

The aforementioned query contained personal data and information of the complainants, employees of Consortium XX (XX), relating to remuneration and allowances received by the Consortium.

The complainants attached to the complaint the note sent to the Regional Council and to the Personal Data Protection Officer of the Valle d'Aosta Region, with which they exercised their rights regarding the protection of personal data towards the aforementioned Body, as well as the feedback received with which the request for removal of personal data from the website was not accepted.

2. Applicable law.

Pursuant to the relevant regulations, "personal data" is "any information concerning an identified or identifiable natural person (" interested party ")" 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).

The processing of personal data carried out by public entities is lawful only if necessary "to fulfill a legal obligation to which the data controller is subject" or "for the performance of a task in the public interest or connected to the exercise of public powers of to which the data controller is invested "(Article 6, paragraph 1, letters c and e, GDPR).

It is also foreseen that 'Member States may maintain [...] more specific provisions to adapt the application of the rules of this Regulation with regard to processing, in accordance with paragraph 1 (c) and (e), by determining more precisely specific requirements for processing and other measures aimed at guaranteeing lawful and correct processing […] »(art. 6, par. 2, RGPD), with the consequence that the provisions contained in art. 2-ter, paragraphs 1 and 3, of the Code, where it is envisaged that the operation of dissemination of personal data (such as publication on the Internet), is permitted when required "by a law or, in the cases provided for by law, of regulation ", in compliance - in any case - with the principles of data

protection, including that of" minimization ", according to which personal data must be" adequate, relevant and limited to what is necessary with respect to the purposes for which are processed "(Article 5, paragraph 1, letter c, of the GDPR).

With particular reference to the matter submitted to the attention of the Guarantor, moreover, the sector legislation of the special Region of Valle d'Aosta provides that the board questions "are entered on the agenda of the meeting, immediately after the communications of the Presidents of the Council and of the Region "and that" The President of the Region and the Councilors answer questions for no more than ten minutes "(art. 94, paragraphs 1 and 2, of the Internal Regulations for the functioning of the Regional Council. See also art. 19 of the Constitutional Law 26/2/1948, n. 4 containing the «Special Statute for the Aosta Valley»). For «Questions with written answers» it is specifically provided that «When submitting a question, the Councilors may ask for a written answer. In this case, the President of the Region or the Councilors give a written reply within twenty days. The Assembly is informed of the response and takes note of it without discussion "(Article 96 of the Internal Regulations for the functioning of the Regional Council).

It is also sanctioned that "The meetings of the Valle Council are public" (Article 22, paragraph 1, of the aforementioned special regional Statute) and that "they are also disseminated by electronic means" (Article 45, paragraph 1, Internal Regulations for the functioning of the Regional Council).

In any case, it is recalled that, with respect to the obligations of online publication of deeds and documents, the Guarantor, since 2014, has provided specific indications to public administrations on the precautions to be taken with regard to the dissemination of personal data contained therein with 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 (currently being updated, but still current in the substantial part).

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

With the note prot. n. XX of the XX the Regional Council of the Aosta Valley has provided a reply to the request for information of the Office (prot. No. XX of the XX).

In light of the checks carried out on the basis of the elements acquired and the facts that emerged as a result of the preliminary investigation, as well as subsequent evaluations, the Office with note prot. n. XX of the XX has ascertained that the aforementioned administration - by disseminating the identity of the complainants on the Internet - 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 RGPD. Therefore, with the same note the violations carried out (pursuant to art.166, paragraph 5, of the Code) were notified to the Regional Council of Valle D'Aosta, communicating the start of the procedure for the adoption of the measures referred to to art. 58, par. 2, of the RGPD and inviting the aforementioned administration to send to the Guarantor defensive writings or documents and, possibly, 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.

With the note prot. n. XX of the XX the Aosta Valley Regional Council 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".

Specifically, it was highlighted, among other things, that:

- «Questions and interpellations represent one of the typical tools through which each member of an elective assembly exercises his mandate. The right to identity or privacy of people who are often mentioned in the texts of interrogations and interpellations is considered yielding with respect to the more general interest in having certain facts brought to the attention of public opinion. This is confirmed by the fact that these inspection tools are covered by the guarantee of unquestionability provided for by Article 24 of the Special Statute of the Region, according to which "Regional councilors cannot be prosecuted for the opinions expressed or the votes given in the exercise of their functions "";
- «The publication of the deed, as an online communication tool, instrumental to the implementation of the principle of publicity of the shareholders' meeting documents, is a consequence of the principle of publicity of the board meetings referred to in art. 22 of the special statute of the region and art. 45, paragraph 1, of the Internal Regulations of the Regional Council. This principle is removed from discretionary criteria. The publicity of the Board documents, of which the questions are one of the main expressions, represents, in fact, an obvious consequence not only of the general principles of transparency that underlie the activity of a Legislative Assembly, but also of the fact that, being public the meetings of the Council, the documents it deals

with are also public ";

- «To review the forms and contents of the publicity of the Board documents can only lead to an undue compression of the principle of publicity of the proceedings of the Shareholders' Meeting and therefore a violation of the principle of intangibility of the Board documents, which is co-essential to their publicity»;

- «The recognition of the functions of control, political direction and inspection among the activities of significant public interest for the pursuit of which the processing of particular categories of personal data is also relevant (Article 2 sexies of Legislative Decree 196/2003). It is therefore to be considered, with reference to the present case, that if the political activity of direction and control and inspection union admits the processing and advertising of particular categories of personal data, the processing is to be considered, a fortiori, lawful. of data not considered as such ";

- "the question in question, in compliance with the second paragraph of art. 109 of the Internal Regulations of the Regional Council, did not contain offensive or inappropriate formulations and therefore could only pass the presidential eligibility screening and, consequently, be published in the dedicated section on the institutional website of the Regional Council ";

- «In support of the lawfulness of the publication of the act in question, the orientation supported by the Chamber of Deputies is considered relevant with regard to the definition of certain guarantee procedures for the subjects mentioned in the parliamentary documents. Indeed, the Chamber of Deputies, with the resolution of the President's Office no. 46 of 2013, addressed the issue of the protection of personal data published in parliamentary documents by approving a specific discipline on the "right to be forgotten", on the basis of which citizens mentioned in parliamentary documents can ask, if the conditions established by the the aforementioned discipline, the "de-indexing" of web pages bearing these documents, without prejudice to the full availability of the document on the institutional site through the search engine within the site itself and the intangibility of the parliamentary document ";

- "As highlighted in the report on [the] meeting [of the twentieth with the representatives of the Guarantor], which is attached to the doubts, questions and perplexities raised by the regional representatives, the representatives of the Guarantor replied inviting them not to modify the procedures and practices already in use, which over the years had proved effective, but to intervene first of all on the innovations provided for by the law (appointment of the DPO, register of processing activities, notification of the data breach). During the meeting, the will of those present to draft a Code of Conduct for the processing of particular and judicial data was also shared, pursuant to art. 40 of the RGPD, proposed by the Conference itself and validated

by the Guarantor ";

- "As [...] already explained in the previous note addressed to the Guarantor, it should be noted that in the provisions of the XX mentioned in the question and published on the institutional website of the XX itself, the data relating to the compensation paid were omitted, while the personal data - that is the names of the interested parties - are nevertheless present, therefore the personal data that [the complainants] presume violated is already public. Moreover, as [the same instants] acknowledge in the complaint commenting on the press article published in a local online newspaper, even omitting the names in the text of the question they would have been easily deduced, in consideration of both the limited number of employees of the twentieth century and of the tasks assigned to the staff ";

- «With reference, however, to the document adopted by the Guarantor no. 243 of 15 May 2014 "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", referred to in the note of this Authority of the XX, the Regional Council considered [...] that it did not find applicative confirmation in the case in question as a document aimed at indicating specific precautions to be taken in relation to the publication of personal data on websites in implementation of the obligations deriving from Legislative Decree 33 /2013. Indeed, no provision of this legislative provision intervenes in the matter of publicity, transparency, limitations in relation to political activity and, in particular, to the activity of inspection of the Directors ";

- "the Regional Council, purely as a precaution, on XX, took steps to remove from the institutional site of the Regional Council the question with a written answer which is the case";

- "for the aforementioned act, the Regional Council did not proceed to any discussion on the matter since, since it was a question with a written answer, the President of the Assembly limited himself to communicating to the Chamber the transmission of the answer to Councilor XX , without any discussion. Furthermore, the text of the query, not being present in the Google index, has never been indexed by the search engine and therefore its availability has always been only possible through a targeted search on the institutional website of the Regional Council. Therefore, the prejudice complained of by the claimants does not exist ";

- "In the light of all the above, it is evident that the publication of the question in question was not carried out to harm the complainants or to pursue a personal interest, but for the sole purpose of satisfying the public interest in the knowledge of the

act of inspection review in question - aimed at verifying the correctness of the use of public funds - and ensuring compliance with the general principles of transparency that underlie the activity of a Legislative Assembly ».

5. Evaluations of the Guarantor

The subject of the specific case submitted to the attention of the Guarantor is the dissemination of personal data - not belonging to particular categories or to criminal convictions or crimes (articles 9 and 10, of the GDPR) - of the claimants and of detailed information relating to remuneration and indemnity received by them from the XX of which they are employees, contained a regional council question with written response, published on the institutional website.

In this regard, based on the set of statutory and regulatory provisions referred to above (see paragraph 2 above), it is considered - as already highlighted in the note of the Office prot. n. XX of the XX - that the sector legislation provides for a specific advertising regime for the Board queries of the Valle d'Aosta Region (articles 45, paragraph 1; 94, paragraphs 1 and 2, article 96 of the Internal Regulation for the functioning of the Regional Council See also Articles 19 and 22, paragraph 1, of Constitutional Law No. 4/1948 "Special Statute for the Aosta Valley").

From this point of view, it is agreed with what is represented by the Regional Council, where it has been highlighted that the "tools of inspection are covered by the guarantee of indisputability" and that "The publication of the deed, as an online communication tool, instrumental to 'implementation of the principle of publicity of shareholders' meeting documents, is a consequence of the principle of publicity of board meetings "and this may imply that the" right to identity or privacy of the persons who are often mentioned in the texts of the questions and interpellations v [enga] considered compliant with respect to the more general interest in having certain facts brought to the attention of public opinion ". On the other hand, as rightly observed, the Code, provided for the "recognition of the functions of control, political direction and inspection among the activities of significant public interest for the pursuit of which the processing of particular categories of personal data is allowed" (see 2-sexies, paragraph 2, letter h).

However, the reconstruction of the Regional Council, while offering correct observations of a general nature, appears in any case incomplete. This is because it does not take into account the necessary compliance with the rules and principles regarding the protection of personal data of European origin - which also apply to personal data not falling within the particular categories referred to in Articles. 9 and 10 of the RGPD (so-called "common data") - such as, among others, that of "minimization", according to which personal data - even if they are contained in deeds or documents whose dissemination

online is provided for by a specific regulatory basis - they must be not only "adequate" and "relevant", but also "limited to what is necessary with respect to the purposes for which they are processed" (Article 5, paragraph 1, letter c, GDPR). In light of this principle, it is not possible to grant in the case in question any automatism with respect to the online dissemination of personal data and information, even if they do not belong to particular categories or to criminal convictions or offenses (articles 9 and 10, of the RGPD).

What is reported is also confirmed by the personal data protection system contained in the RGPD, in light of which it is envisaged that the data controller not only must "implement 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 "(" privacy by default "), but must also be" able to demonstrate "- in light of the principle of" accountability "- to have done so (articles 5, par. 2; 24 and 25, par. 2, GDPR).

The documents show that the Regional Council itself was aware of the need - albeit underestimating the risks for common data - of having to adopt specific precautions for the dissemination of personal data online, as shown by what was declared in the first response (note prot. No. XX del XX) to the request for information from the Office where it was represented that "in the face of increasing attention to the protection of the identity of the person, also in the light of the EU Regulation on data protection, through the support, in a preventive , of the competent council structure, appropriate measures are suggested in the formulation phase of the inspection union documents that contain particular or judicial data of third parties, in order to comply with the principles of proportionality and data minimization, especially in relation to the advertising system and therefore of the diffusion on the internet of the documents themselves ".

With respect to the regulatory framework described, it is not possible to recall, as done by the Regional Council, the solutions adopted "by the Chamber of Deputies regarding the definition of certain guarantee procedures for the subjects mentioned in the parliamentary documents", as the processing of personal data carried out by the Chamber of Deputies and the Senate of the Republic are governed by the same in accordance with their respective regulations, pursuant to the special regulations contained in art. 2-novies of the Code, due to the sphere of autonomy reserved to the Chambers by the Constitution (Article 64 of the Constitution), which is not however applicable to the Regional Councils.

Furthermore, these considerations are entirely in line with what is also highlighted "in the report on [the] meeting [of the twentieth century with the representatives of the Guarantor]" - recalled in the defensive briefs - promoted by the Conference of

Presidents of the Legislative Assemblies of the Regions and of the Autonomous Provinces. On this occasion, the indications provided were by no means limited to a mere "invitation [o] not to modify the procedures and practices already in use", but also concerned the issues relating to the "publicity of the Board's proceedings (in particular of inspection union and hearings) vs. protection of personal data - publication of personal data in the official bulletins of the Regions in electronic format "with respect to which the reference legal framework relating to the processing of data belonging to particular categories and criminal convictions or offenses was recalled, as well as the need for them" [Legislative] assemblies define [scano] appropriate ways to obtain the reconciliation between information and privacy ", also with" the drafting of a code of conduct pursuant to art. 40 of the RGPD ". The need was also indicated to "carry out [re] an ex post control on the minutes and reports, allowing the obscuring of sensitive data", as well as "With regard to the dissemination of personal data contained in administrative measures, published on institutional portals and on regional bulletins, [to apply the] principles of privacy by default and by design [, given that] the logic to be used must be, as far as possible, the preventive one, which operates ex ante, rather than a correction logic, also because in this way it is more difficult to make mistakes ».

The framework described is also consistent with what was stated by the Guarantor since 2014 with the Guidelines referred to above (paragraph 2), where it has been indicated on pp. that - even if there is an obligation to publish an act or document on the institutional website, as in the case in question - it is in any case necessary to "select the personal data to be included in such deeds and documents, verifying, case by case , if the conditions are met for the obscuring of certain information "where they are not necessary to achieve the purposes of the processing (see now the principle of" minimization "of the data referred to in Article 5, paragraph 1, letter c, of the RGPD, which replaced the principles of relevance and non-excess, as well as of necessity, referred to in articles 3, 11, paragraph 1, letter d, of the previous Code; 6, paragraph 1, letter c, of the Directive 95/46 / EC repealed by the RGPD).

From this point of view, what is represented by the Regional Council is not acceptable, according to which the aforementioned Guidelines apply only in relation to "the publication of personal data on websites in implementation of the obligations deriving from Legislative Decree 33/2013", since , as is evident both in the content and in the title of the Guarantor's provision, the same apply to all online publication obligations (both for transparency purposes and for other "advertising purposes"). On the other hand, the obligations provided for by the aforementioned Legislative Decree lgs. n. 33/2013 is dedicated only to the first part of the Guidelines, while the whole second part is reserved for the other hypotheses of online publication.

Finally, as regards the circumstance, highlighted in the defense briefs, that the personal data - such as the names of the interested parties - were present in provisions of the XXth published online with the omission of information relating to the compensation paid, it is not clear how this element can be useful for assess whether the related processing by the Regional Council was actually necessary for the exercise of the institutional functions of the body and whether the personal data were actually "limited to what is necessary with respect to the purposes for which they [were] processed" (art. 5, paragraph 1, letter, c; 6, paragraph 1, letter e, GDPR).

All this considered, it emerged from the preliminary investigation that the Regional Council did not carry out any evaluation in order to respect the principle of data minimization, especially in light of the request of the complainants (sent to the Regional Council and to the Data Protection Officer) to remove their personal data published online.

This type of assessment had to be carried out in relation to the purpose of the processing and to the circumstance, which in the present case appears to be decisive, reported in the written response of the President of the Region to the Board question presented - on which there was no discussion at the meeting - relating the incompetence of the regional body with respect to the issues raised. In this written response it is, in fact, clearly represented that "the Region does not exercise a control on the correct use of resources. In fact, the Consortium has no reporting obligation, nor is the Region assigned the burden of approving the accounting documents. The funds assigned are in the availability of the XX who has decision-making autonomy in this regard, except for the control exercised by the entities that participate in it "(see note of the President of the Region prot. No. XX of the XX, sent to the councilor with note prot. No. XX of the XX).

Therefore, in the light of the aforementioned written reply from the President of the Region, sent to the proposing councilor, the Regional Council should have considered that, for the exercise of its institutional functions, the disclosure of the personal data of the complainants was not necessary in light of the principle of minimization. of the data, considering precisely the incompetence of the Region on the issues raised in the council question. Therefore, the request for removal of personal data published online, submitted by the complainants to the Regional Council, had to be promptly checked, providing for a simple obscuring of the personal data of the interested parties, contained in the documents published online (such as the name, the assignment and the date of recruitment), thus also safeguarding the principle of publicity of the acts of inspection. This would have avoided sending the complaint to the Guarantor with the consequent 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 assessing the conduct, are not sufficient to allow the filing of this proceeding pursuant to art. 11 of the Guarantor Regulation n. 1/2019.

In this context, the findings notified by the Office with the note prot. n. XX of the XX and the non-compliance of the processing of personal data, which is the subject of the complaint, is detected with the relevant legislation on the protection of personal data, since - without prejudice to the regime of publicity of shareholders' meetings and regional inspection union - the Council Region of Valle d'Aosta, following a specific request from the complainants, did not carry out an evaluation, and to give a correct application, of the principle of data minimization. This has therefore led to an online dissemination of the personal data of the complainants 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.

Considering, however, that the conduct has exhausted its effects, as the data controller declared that he had removed the personal data subject of the complaint, without prejudice to what will be said on the application of the pecuniary administrative sanction, the conditions are not met. 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 RGPD)

The Valle d'Aosta Regional Council appears to have violated art. 5, par. 1, lett. c), of the GDPR.

For the violation of the aforementioned provision, the application of the administrative sanction pursuant to art. 83, par. 5, of the GDPR.

The Guarantor, pursuant to art. 58, par. 2, lett. i) and 83 of the RGPD, 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 reported conduct, held in violation of the regulations on the protection of personal data, had as its object the dissemination of personal data, for about a year and a half, not belonging to particular categories or to criminal convictions or offenses (articles 9 and 10, of the GDPR), referring to five interested parties (complainants and non-complainants). The conduct is culpable in nature. As a further mitigating element, the context in which the processing took place, the principle of publicity of the acts and board questions of the Region with a special Valle d'Aosta statute, the uncertainty of the regulatory framework, deriving from the coexistence of numerous sources not only European, but also state and regional regulations. In any case, following the request for information from the Office, the data controller intervened promptly, collaborating with the Authority during the investigation of this proceeding in order to remedy the violation by mitigating any possible negative effects.

There are no relevant previous violations of the GDPR committed by the aforementioned administration.

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 € 1,000.00 (one thousand) for the violation of art. 5, par. 1, lett. c) of the GDPR, 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 violation of the principle of data minimization (Article 5, paragraph 1, letter c, GDPR), it is also believed that the ancillary sanction should be applied 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

detected the unlawfulness of the processing carried out by the Regional Council of the Aosta Valley in the terms indicated in the motivation pursuant to Articles 58, par. 2, lett. i) and 83 of the GDPR

ORDER

to the Regional Council of the Aosta Valley, in the person of the pro-tempore legal representative, with registered office in Piazza Deffeyes, 1 - 11100 Aosta (AO) - Tax Code 91000930072 to pay the sum of € 1,000.00 (one thousand) as a pecuniary administrative sanction for the violations mentioned in the motivation;

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to the same Regional Council to pay the sum of € 1,000.00 (one 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 in the manner indicated in the annex - of an amount equal to half of the sanction imposed, within the term referred to 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 the 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, July 8, 2021

PRESIDENT

Stanzione

THE RAPPORTEUR

Ghiglia

THE SECRETARY GENERAL

Mattei