[doc. web no. 9853429]

Injunction order against the Municipality of Bracciano - 15 December 2022

Register of measures

no. 420 of 15 December 2022

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stanzione, president, prof.ssa Ginevra Cerrina Feroni, vice president, dr. Agostino Ghiglia and the lawyer Guido Scorza, components, and the cons. Fabio Mattei, general secretary;

HAVING REGARD TO Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, concerning the protection of natural persons with regard to the processing of personal data, as well as the free movement of such data and which repeals Directive 95/46/ CE, “General Data Protection Regulation” (hereinafter, “Regulation”);

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

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

Given the documentation in the deeds;

Given the observations made by the general secretary pursuant to art. 15 of the Regulation of the Guarantor n. 1/2000 on the organization and functioning of the Guarantor's office for the protection of personal data, doc. web no. 1098801;

Speaker Prof. Pasquale Stanzione;

WHEREAS

1. The complaint.

With a complaint presented to the Guarantor, XX former employee of the Municipality of Bracciano (hereinafter "Municipality") complained about the publication, on the institutional website, of Determination n. XX of the XX with which, following the

submission of resignation by the complainant, the Municipality "acknowledged the termination of service [of the complainant], with reciprocal waiver of notice and indemnity for non-notice".

Furthermore, in the Determination, "explicit reference was made to the state of health of the [complainant...] clearly identified" with the initials of her name and surname and with an indication of the position held at the Municipality.

In particular, in the aforesaid Determination, the object of which reported the serial number of the complainant, express reference was made to the particular health conditions of the same reporting the information that the complainant waived the contractually provided notice period "in order not to aggravate the one's own disabling state due to the current pharmacological therapy".

2. The preliminary investigation.

With a note of the XX, responding to the request for information formulated by this Authority, the Municipality represented, in particular, that:

- "[...] the complainant was absent from the service due to illness starting from the XX and no longer returned to the Municipality [...] until the voluntary resignation which took place with effect from XX";
- "[...] [the complainant], with a note acquired in the general protocol of the Municipality n. XX of the XX, resigned [...] his voluntary resignation from the service motivating the decision "in order not to aggravate his state of health, also due to the pharmacological therapy followed"";
- "the Administration [...] has decided to (i) acknowledge the resignation; (ii) accepted the request for waiver of notice [...] [and proceeded] to adopt Resolution no. XX and to publish it on the Municipal Register within the terms and according to the procedures set forth in Legislative Decree 33/2013. In said determination, steps were taken to: (i) identify exclusively the decision to waive the notice by slavishly reporting, albeit generically, the reasons that the applicant himself had reported as the basis of the resignation";
- "the decision in question had necessarily to be published in the Municipality's praetorian register, pursuant to Legislative Decree 33/2013, as this method constitutes a supplementary condition for the effectiveness of the provision";
- "[...] the indication of the initials alone [is] suitable for not disclosing the identity of the [claimant] in the light of the audience of subjects potentially reached by the Determination who are not made up only of the employees of the Municipality, but of all the interested parties who can access the Institution's website and, in particular, the Praetorian Register. On the other hand, the

Municipality could not have completely obscured the personal details of the petitioner for reasons of transparency [...]";

- "[...] no data relating to the health and/or pharmacological therapy to which the applicant was subjected was disclosed at all. The Municipality limited itself to referring [...] to the condition of the applicant assumed and formally communicated to the general protocol of the Municipality, by the drafting, as justification for the resignation";

- "[...] [indicating the reasons for the provision] was all the more necessary, because, with the Determination, the Municipality did not limit itself to acknowledging the resignation, but also accepted the request for exemption from notice, a choice which, if not adequately motivated, it could have led to hypotheses of (i) annulment of the measure and/or (ii) tax liability on the part of the Entity by waiving the aforementioned term as requested by the applicant";

- "the publication of the determination took place exclusively on the Praetorian Register of the Municipality of Bracciano for the minimum time required by the aforementioned legislation, 15 consecutive days and precisely from XX to XX".

Based on the elements acquired, the Office notified the Municipality, as data controller, pursuant to art. 166, paragraph 5, of the Code, the initiation of the procedure for the adoption of the provisions pursuant to art. 58, par. 2, of the Regulation, as the publication on the Municipality's website of the aforementioned Determination caused the "dissemination" of the complainant's personal data, also relating to health, in violation of articles 5, 6 and 9 of the Regulation and 2-ter of the Code, in the text prior to the amendments made by Legislative Decree 8 October 2021, no. 139, as well as article 2-septies, paragraph 8, of the Code). Therefore he invited the aforesaid owner to produce written defenses or documents to the Guarantor or to ask to be heard by the Authority (art. 166, paragraphs 6 and 7, of the Code; as well as art. 18, paragraph 1, of law n. 689 of the 11/24/1981).

The Municipality sent its defense briefs representing, in particular, that:

- "following the long absence from service in this Municipality, which began on the XX, with a note acquired in the general protocol of the Municipality n. XX of the XX [the interested party] resigned, without returning to service in this Municipality, her voluntary resignation from the service by inserting in the definitive act of acknowledgment of the resignation from the service "in order not to aggravate her state of health , also due to the pharmacological therapy followed". For the same reason, the applicant asked the Administration to waive the foreseen notice period";

- "The Administration took charge of the request (received in the general protocol of the Organization without request for confidential protocol) and, in accordance with the provisions of the CCNL and the ARAN application guidelines, in

consideration of the particular condition in which the employee was :(i) having acknowledged the resignation; (ii) accepted the request for waiver of the notice period, also in consideration of the fact that, as expressly stated in the opinion ARAN RAL_1641, the course of the notice period is suspended during the period of illness and consequently undergoes a shift for a time corresponding to the same disease. Expressing in fact, in acceptance of this waiver, a will of a discretionary nature as defined as "a faculty" by the same paragraph 5 of the art. 12 of the CCNL 09.05.2006";

- "it is in fact specified that, in a different way, pursuant to paragraph 4 of the aforementioned art. 12, the former employee was required to pay an indemnity equal to the amount of remuneration due for the period of failure to give notice, with the consequent need for explicit expression of the reasons for what was applied in the case in question";
- "therefore the undersigned, on the compliant proposal of provision of the municipal human resources office, proceeded to adopt the Determination n. XX and to publish it on the Municipal Register within the terms and according to the procedures set forth in Legislative Decree 33/2013. In said determination, steps were taken to: (i) identify the applicant exclusively through the initials of one's name and surname [...] and the matriculation number and (ii) clearly justify the decision to waive the notice by slavishly reporting, albeit generically, the reasons that the same applicant had reported as the basis of the resignation";
- "first of all, it should be noted that the Determination in question necessarily had to be published in the municipality's praetorian register, pursuant to Legislative Decree 33/2013 [...] as this method constitutes a supplementary condition for the effectiveness of the measure";
- "the obligation to publish the determinations is enshrined, in addition to the aforementioned rules, also by the same municipal regulation in force for the discipline of the IT Praetorian Register, approved with resolution of the Municipal Council n. XX of the XX and subsequent amendments (art. 9, paragraph 2 letter d) annex a) hereto), an obligation which the proceeding office (human resources) could not possibly disregard. The publication constituted a safeguard of legality to protect above all the applicant, whose request was formally accepted by the Municipality, first, with the formalization of the Determination and, then, with its publication on the Praetorian Register";
- "with reference to the personal details of the applicant [...] it is underlined that the office in absolute good faith has [...] considered that the indication of the initials alone was suitable for not disclosing the identity of the same in the light of the audience of subjects potentially reached by the Determination who are not constituted only by the employees of the Municipality, but by all the interested subjects who can access the website of the Institution and, in particular, the Praetorian

Register. On the other hand, the Municipality has decided that it cannot completely obscure the personal details of the applicant for reasons of transparency, a principle that must always oversee the administrative action in order to favor control by the citizens on the legitimacy of the Municipality's action . In this perspective, it was considered that a correct reconciliation of the two principles - transparency, on the one hand, and protection of personal data, on the other - could be adequately operated through the mere indication of the initials of the name and the serial number";

- "it is premised [moreover] that certainly no data relating to the health and/or pharmacological therapy to which the applicant was subjected have been disclosed. The Municipality limited itself to referring, in a generic and absolutely aseptic manner, to the condition of the instant assumed and formally communicated to the general protocol of the Municipality, by the same, as a justification for the resignation. Only and exclusively what was reported by the applicant was reported in the provision, taking care to avoid any reference to (i) specific health conditions and (ii) further details on the therapy followed";
- "the Entity had, albeit generically, to report the reasons why, on the one hand, the applicant resigned with a request for exemption from notice and, on the other hand, the Municipality itself complied with the request, thus justifying the more favorable treatment at the instant itself characterized by the waiver of the notice period which would have been 1 month and which in this case would have prevented the same from being able to take up service, as it actually did, on date XX at [another Municipality]. In fact, by slavishly applying the foreseen notice [the interested party] would have ceased her employment relationship with the Municipality of Bracciano on the XX (minimum notice period pursuant to art. 12, paragraph 1 and 2 of the CCNL 05.09.2006) and this would have jeopardized the 'establishment of a new employment relationship in the terms in which this actually occurred";
- "these circumstances have therefore constituted, in fact, the essence of the motivation of the Determination, a necessary element of any administrative provision in the absence of which this would certainly have been illegitimate as it could have led to hypotheses of (i) annulment of the provision and/or (ii) tax liability borne by the Entity";
- "it is clarified that the publication of the determination took place exclusively on the Praetorian Register of the Municipality of Bracciano for the minimum time required by the aforementioned legislation, 15 consecutive days and precisely from XX to XX and that, after that period, the provision was completely removed from the relevant section of the municipal website Historic Register, thus deleting the personal data contained therein without delay".

Furthermore, the Municipality, during the hearing, pursuant to art. 166, paragraph 6, of the Code, represented that (cf. report

prot.n. XX of XX):

- "the Municipality Office has included in the provision in question the personal data object of the complaint for an excess of zeal";

- “the provision adopted by the Municipality put an end to a long and complex affair which involved the complainant, who benefited from a long period of illness. In this context, many of the employees of the Municipality were already aware of the health conditions of the person concerned and of the fact that she would not return to service";

- "the provision was adopted immediately upon receipt of the letter of resignation, because the Municipality had an interest in putting an end to the aforementioned complex affair. There was therefore the need to adequately justify the provision adopted, also due to the request of the interested party to waive the notice";

- "as represented in the defense brief, the Municipality in any case carried out the publication of the document in question in the praetorian register for the term established by law and then it was immediately removed".

3. Applicable legislation.

3.1 The regulatory framework.

The regulation of personal data protection provides that public bodies, even if they operate in the performance of their duties as employers, can process the personal data of workers, if the processing is necessary, in general, for the management of the employment relationship and to fulfill specific obligations or tasks envisaged by national sector regulations (articles 6, paragraph 1, letter c), 9, par. 2, lit. b), and 4, and 88 of the Regulation) or "for the execution of a task of public interest or connected to the exercise of public powers vested in the data controller" (Article 6, paragraph 1, letter e), of the Regulation).

European legislation provides that "Member States may maintain or introduce more specific provisions to adapt the application of the rules of this regulation with regard to treatment, in accordance with paragraph 1, letters c) and e), determining more precisely specific requirements for processing and other measures aimed at guaranteeing lawful and correct processing [...]" (Article 6, paragraph 2, of the Regulation). In this regard, it should be noted that processing operations which consist in the "dissemination" of personal data are permitted only when provided for by a law or regulation (Article 2-ter, in the text of the Code prior to the amendments made by Legislative Decree 8 October 2021, no. 139).

With regard to the particular categories of personal data, the processing is, as a rule, permitted, as well as to fulfill specific obligations "in the field of labor law [...] to the extent that it is authorized by law [...] in the presence of guarantees appropriate"

(Article 9, paragraph 2, letter b), of the Regulation), even where "necessary for reasons of significant public interest on the basis of Union or Member State law, which must be proportionate to the aim pursued, respect the essence of the right to data protection and provide appropriate and specific measures to protect the fundamental rights and interests of the data subject" (Article 9, paragraph 2, letter g), of the Regulation).

In any case, data relating to health, i.e. those "related to the physical or mental health of a natural person, including the provision of health care services, which reveal information relating to his state of health" (Article 4, par. 1, no. 15, of the Regulation; see also recital 35 of the same), due to their particular delicacy, "they cannot be disclosed" (art. 2-septies, paragraph 8, and art. 166, paragraph 2, of the Code and article 9, paragraphs 1, 2, 4, of the Regulation).

The employer, data controller, is, in any case, required to comply with the general principles regarding the protection of personal data (Article 5 of the Regulation).

3.2. The dissemination of personal data.

As can be seen from the deeds and declarations made by the data controller, as well as from the assessment carried out on the basis of the elements acquired following the preliminary investigation and the subsequent evaluations of this Department, the Municipality has published, from XX to XX, on the website institutional, section of the Praetorian Register, determination no. XX of the XX, containing information regarding the employment relationship of the claimant, identified with the initials of her name and surname and with the registration number, and further data relating to her health.

Given the definition of personal data ("any information relating to an identified or identifiable natural person", having to consider "identifiable the natural person who can be identified, directly or indirectly [...]") and data relating to health (Article 4, paragraphs 1 and 15 of the Regulation), it is considered ascertained that the publication on the institutional website of the Municipality of Resolution no. XX of the XX, containing references to information relating to the employment relationship between the Municipality and the complainant, as well as on the state of health of the same, determined - albeit as a result of "an excess of zeal" on the part of the Municipality, in order to accommodate the request for exemption from notice by the claimant "thus justifying the more favorable treatment at the same instant" - the disclosure of personal data, also relating to health, of the claimant, in the absence of a suitable regulatory prerequisite and in violation of the general ban on dissemination of data relating to health (articles 5, 6 and 9 of the Regulation and 2-ter and 2-septies, paragraph 8, of the Code).

In fact, given the definition of personal data, as referred to above, the use of the initials of the surname and first name of the

interested parties may not be sufficient to avoid their identifiability, especially when other contextual information or additional information is associated with them. identification elements (in this case, the serial number).

More precisely, although the determination in question did not expressly mention the name and surname of the complainant, the latter was in any case identifiable through reference to her initials, the role held, gender (due to the use of the feminine) and to the serial number, in the specific working context, however of limited dimensions. Therefore, also considering that the complainant was an employee of the Municipality, the same appeared to be easily identifiable, both inside and outside the Entity, therefore having to consider the information contained in the aforementioned decision, relating to the complainant, as "personal data" pursuant to art. 4, par. 1, no. 1 of the Regulation (see, on this point, provision no. 68 of 25 February 2021, web doc. no. 9567429 and the provisions referred to therein).

On this point it is noted that, since 2014, the Guarantor, in the "Guidelines on the processing of personal data of workers for the purpose of managing the employment relationship in the public sector" of the Guarantor, provision no. 23 of 14 June 2007, doc. web no. 1417809, clarified that "the practice followed by some administrations of replacing the data subject´s name and surname with initials alone is in itself insufficient to anonymize the personal data contained in the deeds and documents published online" and that "the risk of identifying the interested party is all the more probable when, among other things, further contextual information remains next to the initials of the name and surname which in any case make the interested party identifiable", as in the present case, being necessary, in order to effectively make anonymous the data published online, "completely obscure the name and other information relating to the interested party which may allow identification even a posteriori".

With specific reference to the nature of the data being disseminated, the statement by the Municipality regarding the fact that the data relating to "the pharmacological therapy to which the applicant was subjected" could not be considered relevant, limiting the Municipality to refer , in a generic way, to the health condition of the claimant.

In this regard, having the Municipality argued that the determination in question only mentioned the absence due to illness of the complainant, without the indication of the diagnosis, it is noted that, according to the constant orientation of the Guarantor (see, provision 25 February 2021, n 68, cit.), the notion of personal data relating to health "may also include information relating to absence from service due to illness, regardless of the circumstance that the diagnosis is explicitly indicated at the same time" (par. 8 of the "Guidelines in concerning the processing of personal data of workers for the purpose of managing the

employment relationship in the public sector", mentioned above; see also, with specific regard to the working context, provision no. 269 of 7 May 2015, web doc. no. 4167648; provision of 10 October 2013, web doc. n.2753605; provisions of 7 July 2004, web doc. n. 1068839 and 1068917; in case law, see point 50 of the judgment of the Court of Justice of the European Communities of 6 November 2003 C-101/01, Lindqvist, and Cass. civ. Section I, 8 August 2013, n. 18980, where it is stated that "it cannot be doubted that an absence from work "due to illness" constitutes personal data "related to health" of the subject to whom the information refers").

During the investigation, the Municipality also justified the disclosure of the complainant's personal data, recalling the transparency obligations pursuant to Legislative Decree 14 March 2013, n. 33.

It is noted on the point that the publication of the Decision in question took place in the "Praetorian Register" section of the institutional website of the Municipality and not, instead, in the "Transparent Administration" section, being, therefore, this regulatory reference irrelevant with respect to the facts object of complaint. Moreover, none of the provisions of Legislative Decree March 14, 2013, n. 33 requires the publication of the information and personal data in question. In the present case, moreover, the publication of data relating to the health of an employee was also initiated, in violation of the general prohibition on disseminating such highly sensitive information (Article 2-septies of the Code).

In this regard, it should be remembered, in any case, that the Guarantor, on several occasions, has clarified that even the possible presence of a specific advertising regime (a circumstance which in any case does not apply in the present case), cannot lead to any automatism with respect to the online dissemination of personal data and information, nor a derogation from the principles on the protection of personal data. On the other hand, this is also confirmed by the personal data protection system contained in the Regulation, in the light of which it is envisaged that the data controller 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" and must be "able to demonstrate" - in the light of the principle of "accountability" - that he has done so (articles 5, paragraph 2; 24 and 25, paragraph 2, regulation). In numerous decisions (see most recently provision n. 299 of 15 September 2022, web doc. n. 9815665 and provisions referred to therein), in fact, the Guarantor reiterated that all the limits established by the principles of data protection with regard to the lawfulness and minimization of data (see part II, paragraph 3.a. of the "Guidelines on the processing of personal data, also contained in administrative deeds and documents, carried out for purposes of publicity and transparency on the web by public subjects and other obliged bodies"

of the Guarantor of 15 May 2014, web doc. no. 3134436).

Also with regard to the need, as represented by the Municipality, to accompany the measure with an adequate motivation, there is no need to publish the full version of the deed since it, remaining in the deeds of the administration that formed it, continues to be accessible, by qualified subjects, in the ways and within the limits established by law (on this point see the constant orientation of the Authority, precisely with regard to administrative documents formed in the context of proceedings also involving administration personnel, from last, provision n. 45 of 10 February 2022, web doc. n. 9751549 and provisions referred to therein).

As for the fact that the publication of the aforementioned Resolution would have been necessary for the purposes of integrating its effectiveness, it should be noted that - except in any case for the prohibition on disseminating health data - this Municipality, also in this case, has not proven the existence of a specific law which establishes the publication of a decision acknowledging the resignation of an employee and accepting the request for exemption from notice, as a requirement for the integration of the effectiveness of the act.

4. Conclusions.

In the light of the assessments referred to above, taking into account the statements made by the data controller during the preliminary investigation □ the truthfulness of which may be called upon to answer pursuant to art. 168 of the Code □ it should b noted that the elements provided by the data controller in the defense briefs do not allow for overcoming the findings notified by the Office with the act of initiation of the procedure and are insufficient to allow the filing of the present proceeding, not resorting Moreover, any of the cases provided for by art. 11 of the Regulation of the Guarantor n. 1/2019.

Therefore, the preliminary assessments of the Office are confirmed, and the illegality of the processing of personal data carried out by the Municipality is noted, in violation of articles 5, 6, 9 of the Regulation and of the articles 2-ter as well as 2-septies, paragraph 8, of the Code.

The violation of the aforementioned provisions makes the administrative sanction envisaged by art. 83, par. 5, of the Regulation, pursuant to articles 58, par. 2, lit. i), and 83, par. 3, of the same Regulation and of the art. 166, paragraph 2, of the Code.

In this context, considering, in any case, that the conduct has exhausted its effects, the conditions for the adoption of corrective measures, pursuant to art. 58, par. 2, of the Regulation.

5. Adoption of the injunction order for the application of the pecuniary administrative sanction and accessory sanctions (articles 58, paragraph 2, letter i and 83 of the Regulation; article 166, paragraph 7, of the Code).

The Guarantor, pursuant to articles 58, par. 2, lit. i) and 83 of the Regulation as well as art. 166 of the Code, has the power to "impose 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, according to the circumstances of each single case" and, in this context, "the College [of the Guarantor] adopts the injunction order, with which it also orders the application of the ancillary administrative sanction of its publication, in whole or in part, on the website of the Guarantor pursuant to article 166, paragraph 7, of the Code" (art. 16, paragraph 1, of the Guarantor's Regulation no. 1/2019).

In this regard, taking into account the art. 83, par. 3, of the Regulation, in the present case - also considering the reference contained in art. 166, paragraph 2, of the Code – the violation of the aforementioned provisions is subject to the application of the same pecuniary administrative sanction provided for by art. 83, par. 5, of the Regulation.

The aforementioned pecuniary administrative sanction imposed, depending on the circumstances of each individual case, must be determined in the amount taking into due account the elements provided for by art. 83, par. 2, of the Regulation.

In relation to the aforementioned elements, the particular delicacy of the unlawfully processed personal data concerning events relating to the complainant's employment relationship was considered, as well as information concerning health, in contrast with the indications that, for some time, the Guarantor has provided to employers public and private work with the Guidelines referred to above and with numerous decisions on individual cases referred to above.

On the other hand, it was considered that the unlawful conduct was determined by the willingness of the Municipality to comply with the request for exemption from the notice of the claimant "thus justifying the more favorable treatment at the same instant". It was also taken into account that the data processed concern a single case and were published for 15 days. The Municipality has also demonstrated extensive collaboration with the Authority during the investigation of this proceeding. It was also noted that there are no previous relevant violations committed by the data controller or previous provisions pursuant to art. 58 of the Regulation.

Based on the aforementioned elements, evaluated as a whole, it is deemed necessary to determine the amount of the pecuniary sanction, in the amount of 6,000.00 (six thousand) euros for the violation of articles 5, 6, 9 of the Regulation and 2-ter, as well as 2-septies, paragraph 8, of the Code, as a pecuniary administrative sanction withheld, pursuant to art. 83, par.

1, of the Regulation, effective, proportionate and dissuasive.

Taking into account the nature of the data being processed, it is also believed that the ancillary sanction of publication on the website of the Guarantor of this provision should be applied, provided for by art. 166, paragraph 7 of the Code and art. 16 of the Regulation of the Guarantor n. 1/2019.

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

ALL THIS CONSIDERING THE GUARANTOR

pursuant to art. 57, par. 1, lit. f), declares the illegality of the processing of personal data carried out by in the terms described in the motivation, consisting in the violation of the articles 5, 6, 9 of the Regulation and 2-ter, as well as 2-septies, paragraph 8 of the Code;

ORDER

pursuant to articles 58, par. 2, lit. i) and 83 of the Regulation, as well as art. 166 of the Code, to the Municipality of Bracciano in the person of its pro-tempore legal representative, with registered office in Piazza IV Novembre, 6 - 00062 Bracciano (RM) – Tax Code 80157470586 to pay the sum of 6,000.00 (six thousand) euros as an administrative fine for the violations indicated in this provision. It is represented that the offender, pursuant to art. 166, paragraph 8, of the Code, has the right to settle the dispute by paying, within 30 days, an amount equal to half of the fine imposed;

ENJOYS

to the Municipality of Bracciano, without prejudice to the provisions of the aforementioned art. 166, paragraph 8 of the Code, to pay the sum of Euro 6,000.00 (six thousand) according to the methods indicated in the attachment, within 30 days of notification of this provision, under penalty of adopting the consequent executive acts pursuant to art. 27 of the law n. 689/1981;

HAS

the publication of this provision on the Guarantor's website pursuant to art. 166, paragraph 7, of the Code (see art. 16 of the Guarantor's Regulation no. 1/2019);

the annotation of this provision in the internal register of the Authority, provided for by art. 57, par. 1, lit. u), of the Regulation, of the violations and of the measures adopted in accordance with art. 58, par. 2, of the Regulation (see art. 17 of Regulation no.

1/2019).

Pursuant to articles 78 of the Regulation, 152 of the Code and 10 of Legislative Decree no. 150/2011, against this provision it is possible to lodge an 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 appellant resides abroad.

Rome, 15 December 2022

PRESIDENT

station

THE SPEAKER

Station

THE SECRETARY GENERAL

Matthew