[doc. web no. 9562866]

Injunction order against Arma dei Carabinieri - 11 February 2021

Register of measures

no. 50 of 11 February 2021

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 repealing 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 natural persons 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");

HAVING REGARD to the documentation in the deeds;

GIVEN the observations made by the Secretary General 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 Dr. Agostino Ghiglia;

WHEREAS

1. The complaint.

With a complaint presented on 20 February 2019 - and regularized on 12 May 2019 - a non-commissioned officer of the Carabinieri Corps complained of an alleged violation of the regulations on the protection of personal data, with regard to the

processing of data relating to his state of health, carried out with the help of the so-called computer protocol system "DOCSPA" at the time in use by the Carabinieri.

In particular, it was represented that the decree n. 92/C4 of the General Command of the Carabinieri (Administration Directorate - 2nd Fair Compensation Section) of 2 February 2017 - which defined the procedure initiated at the request of the interested party for the recognition of dependence due to service of infirmity - would have been sent to the Vicenza Station Command, where the interested party was on duty at the time, via the aforementioned IT protocol system, to then be notified, in paper format, to the complainant by the Commander of the same. This Decree would have reached the Vicenza Station Command through a series of intermediate transmissions (from the "Veneto" Legion Command to the Vicenza Company Command, and from there to the Vicenza Station Command), carried out using the aforementioned IT protocol system, which would have allowed to numerous soldiers of the Arma to become aware of data relating to the employment relationship between the administration and the complainant, and also to the state of health of the person concerned.

In the course of copious submissions of documentation, the complainant also complained that in the aforementioned IT protocol system, although no longer used for logging activities, there are still documents containing personal data relating to one's state of health.

2. The preliminary investigation.

In response to the various requests for elements from the Office, the Arma has provided documentation sent by the various Commands involved in order to reconstruct the story, moreover dating back a long time, which involved the complainant and, for the general aspects, has provided a detailed report, by the Administrative Directorate of the General Headquarters, regarding "the administrative process that leads to the adoption of the provisions in question [...] marked by two distinct and successive preliminary investigation phases", which involve, respectively, the Corps Headquarters and the Administrative Directorate (see note of the XX, prot. n. XX and attached documentation).

In particular, it was clarified that:

the Administrative Directorate "starts the notification of the final provision to the interested party, entrusting the specific fulfillment to the Corps Headquarters [...] in which the personnel is in force at the time of submission of the application" and provides, if necessary, to the activation of the procedures related to the attribution of the step for disability of service D and "the related matriculation transcription";

with reference to the processing of the data subject's personal data, the proceeding "began with an application from the oXX" and "in the case of a military officer in the rank of Chief Marshal, the related Corps Command (Carabinieri Command for Labor Protection) at the end of the instruction competence, forwarded the documentation to PREVIMIL for the continuation of the discussion which, within the scope of its competence, forwarded a request for an opinion to the C.V.C.S. in the XX";

“the CVCS found this request with an opinion of the XX, i.e. after the entry into force of […] D.M. 22.06.2016 as a result of which this Administration Department took over from PREVIMIL, acquiring the related paper file from that D.G. [...that] adopted, on the XX date, the decree in question XX; sent, as usual, in a sealed envelope, the analogue measure (on paper) to the Command Office of the CC Command for Labor Protection on the following XX day, for notification to the interested party";

"it appears that the provision was notified on the XX by the Commander of the Vicenza CC Station, with the return of the notification report without sensitive data".

With regard to the characteristics and operating methods of the IT protocol system in use at the Arma (at the material time, the system called "DOCSPA" and, since the 20th century, the system called "C-Prot"), from the documentation transmitted, with note of the XX, prot. no. XX, the following emerged:

"the IT protocol of the Arma allows for a precise profiling of users, which is based on the functions performed by the individual within the reference Organizational Unit and which provides for a consequent assignment and availability of viewing" (see Annex 1);

"the system allows you to check which users and when they have accessed the single document";

"both the DOCSPA system and the new C-Prot system allow for the assignment of roles and the creation of specific qualification profiles, both managed at the local level through the support of the competent IT representatives for the area (cf., in particular , the report of the Information Systems Office, in files);

"the IT protocol can only be accessed, as "managers" or "protocollists", by the military, previously authorized [...] and authorized to process the data contained therein (see, in particular, the report of the "Veneto" Legion Command, in deeds);

"with regard to the subjects authorized to process the data of the interested party in the context of the procedure relating to the cause of service, taking into account the duties performed and the related qualification profiles, these have been identified in the [...] Station Commander (military functions/authorised)" (see, in particular, the report of the Administration Directorate of the General Command, of the "Veneto" Legion Command and of the Vicenza Company Command);

"with reference to the use of the IT protocol at the Vicenza Station Command: the military authorized to access the DOCSPA application are assigned the roles of "CHIEF", "OPERATOR" and "PROTOCOLLIST"; although the role of "PROTOCOLLIST" belongs to "all personnel" [...] "to prevent information of a personal nature from being viewed by personnel qualified for the PROTOCOLLIST role, the military qualified for the CAPO role in the event of receiving or transmitting documents avoids to put the deed in SHARING" and "the deeds that contain personal data of military employees (eg disciplinary sanctions, sensitive and judicial data) are managed directly by the military in the HEAD role, without sharing the PROTOCOLLISTS role with the military";

all personnel authorized to access the IT protocol have received the required instructions (see, in particular, the reports of the IT Systems Office as well as the "Veneto" Legion Command);

contrary to what the complainant asserted, "the Station Commander [of Vicenza] personally notified the interested party and, after printing the Decree to be delivered, eliminated it by removing it from the attachments, sharing in the DocsPA system only the remaining documents for the staff of the role "protocollisti""; "the subsequent letter of transmission (without the Decree in question and without personal data on the state of health of the [interested party] was performed by a soldier delegated by the Chief of Staff for the subsequent forwarding to the Criminal Police of Vicenza of only notification report (it is repeated without data relating to the state of health of the soldier)" (see, in particular, the report of the Vicenza company command, in the documents)";

"within the Vicenza station, the documents containing personal data of military employees (e.g. disciplinary sanctions, sensitive and judicial data) are managed directly by the military in the HEAD role, without sharing the PROTOCOLLISTS role with the military" (cf., in particular, the report of the Vicenza Company Command and the treatment procedure by the Command Unit of the "Veneto" Legion Command - SM - Personnel Office, annexes nos. 1-22).

Subsequently, following further investigations requested by the Office, the Arma sent further elements with a note of the XX (vs. prot. n. XX), clarifying that:

"the decree was removed on the XX date, upon notification to the interested party carried out personally by the Station Commander, making it no longer visible in the system";

"the sharing of the letter of transmission of the document [...] at that point devoid of any particular data relating to the state of health of [the interested party], took place on the same date only after the removal from the annexes of the Decree containing

the particular data, in order to allow the subsequent filing and forwarding procedures of the notification report, ordinarily carried out by all the soldiers of the station (protocollists)".

With a note of the XX, the Office, on the basis of the elements acquired, notified the Arma dei Carabinieri, 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, inviting the aforesaid owner to produce defensive writings or documents to the Guarantor or to ask to be heard by the Authority (art. 166, paragraphs 6 and 7, of the Code; as well as art. 18, paragraph 1, of law 24 November 1981, no. 689).

With the note mentioned above, the Office found that, in the present case, the processing, in the manner described above, concerning the personal data of the complainant, took place in a way that did not comply with the general principles of data protection and – with regard to the fact that the data of the interested party has been made available, also relating to health, in favor of all the soldiers of the station command and, therefore, also of unauthorized personnel - in the absence of a suitable prerequisite for the lawfulness of the processing, in violation of articles 5, par. 1, lit. a) and c), 6, par. 1, lit. c), and 9, par. 2, lit. b) and g), of the Regulation as well as articles 2-ter and 2-sexies of the Code.

With a note of the XX, the Arma sent its defense briefs, representing, among other things, that:

the wording "'DCS/EI' cannot be considered uniform and of common knowledge of the soldiers of the Arma, above all due to the absence of a publication that has codified it" (see notes of the Directorate of Administration and of the Directorate of health of the General Command of the Carabinieri - annexes 1 and 2);

"while considering that it is legally envisaged that a number, a symbol or a specific element can be attributed to a natural person to uniquely identify him or her for health purposes (considering the 35 of the EU Reg. in annex 3, as happened in the case of especially, when the acronym "DCS/EI') has been associated and read by some soldiers of the Vicenza Sta. to the name of the [non-commissioned officer], it cannot be directly assumed that the soldier concerned has contracted a health condition, since the decree in question can also certify a negative outcome in the sense (a circumstance, formally, remained unknown to the indistinct personnel of the Carabinieri Station of Vicenza)";

“the acronym "DCS/EI" is likely to be attributable to the subject of "Dependence on Cause of Service/Equitable Compensation" but "it does not appear that this acronym is codified or envisaged within official publications. On the other hand, from examination of the data deduced from common and daily experience, the same, like others, would appear to be sometimes used by the Commands of the Corps in order to associate certain correspondence with health practices in order - presumably -

to facilitate consultation by the competent Personnel Offices" (see note from the Directorate of Administration of the General Command of the Carabinieri - annex 1);

"the use of this acronym, therefore, not being provided for by the current Instructions for the Correspondence of the Carabinieri, does not necessarily allow an act to be traced back to documentation having health content or, in any case, to refer it to the matter of service cases" and "it cannot constitute a useful element of certain and unambiguous evaluation, through which the reader can arrive at any qualification of the underlying act, to which the acronym itself could possibly refer".

3. Outcome of the preliminary investigation.

On the basis of data protection regulations, the administration acting as an employer may process the personal data of employees, also relating to particular categories of data, if the processing is necessary, in general, for the management of the employment relationship and to fulfill specific obligations or tasks established by the rules of the Union or of the Member State (articles 6, paragraph 1, letter c), 9, par. 2, lit. b), and 4, and 88 of the Regulation).

With regard to the particular categories of personal data - which also include "data relating to health" (see Article 9, paragraph 1, of the Regulation) in relation to which there is a general prohibition of processing, for except for the cases indicated in art. 9, par. 2, of the Regulation and, in any case, a regime of greater guarantee compared to other types of data, in particular, due to the effect of art. 9, par. 4, as well as of the art. 2-septies of the Code -, the processing is permitted, also when "necessary for reasons of significant public interest" (art. 9, paragraph 2, letter g), of the Regulation and art. 2-sexies of the Code).

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) and must process the data through "authorised" and "trained" personnel " regarding access to data (articles 4, point 10), 29, and 32, par. 4, of the Regulation).

In light of the examination of the copious documentation provided and taking into account the statements made during the investigation, pursuant to art. 168 of the Code, the Arma has documented that it has implemented specific procedures for the processing of personal data contained in the documents subject to registration and has declared that it has adopted technical and organizational measures to ensure selective access to the same in order to avoid consultation documents by unauthorized personnel. In the present case, with specific regard to the processing of the data of the interested party, carried out at the Vicenza Station Command, however, certain processing operations have been carried out that do not comply with the aforementioned organizational measures.

4. The processing of the complainant's personal data using the computer protocol system.

As shown in the deeds, the attachment "XX", called "decree 92", to the note prot. XX, marked "XX", concerning "notification of the XX decree relating to the Marshal [name and surname and class]", would have been removed from the registration system on the XX date, by the station commander in charge at the time , to then be notified directly by the same to the interested party.

From the screenshots of the application produced during the investigation, it also appears that, on the same date, "the sharing of the document transmission letter" was initially carried out by "assigning" the document to a single "recipient" subject, with the the task of proceeding with the filing and forwarding of the notification report. This results from the specific "individual notes", which contain the indication "classify and transmit documents" (see fig. 2, screenshot of the XX, attached to the note of the Vicenza Station Command of the XX).

However, with a separate and distinct operation, the same note was "placed in visibility" also of "all the soldiers of the station" (who were assigned the role of "PROTOCOLLIST").

During the investigation, the Arma declared that the note of transmission of the decree, made visible to all the military in service, was "deprived [of] any particular data relating to the state of health of [the interested party]", since the sharing took place "only after the removal from the attachments of the Decree containing the particular data".

On this point, however, it is believed that, even without the attachment, information relating to the state of health of the interested party could also be deduced from it. In fact, the note referred to the acronym "DCS/EI" (attributable to the proceedings relating to service causes and the payment of fair compensation), in relation to this profile in the defense briefs it was stated, on the one hand, that this acronym has not been "codified or envisaged within official publications", on the other hand that it is in any case "sometimes used by the Corps Headquarters for the purpose of associating certain correspondence with healthcare practices for the purpose - presumably - of facilitating consultation by part of the competent Personnel Offices".

Furthermore, for the purposes of assessing the conduct, what was ultimately argued in the defense briefs regarding the fact that this acronym, in itself, does not allow for the inference "directly [...] that the soldier concerned has contracted a health condition, since the decree in question can also certify a negative outcome". In fact, it is observed that the circumstance for which an employee advances an application for the initiation of the procedure for the recognition of dependence due to the service of the infirmity - which finds its own discipline in the Presidential Decree 29 October 2001, no. 461 (Regulation

simplifying the procedures for the recognition of dependency due to service, for the granting of the ordinary privileged pension and fair compensation, as well as for the functioning and composition of the committee for ordinary privileged pensions; see also Ministerial Decree Economy and Finance of 12 February 2004; Ministerial Decree Defense of 24 November 2015) - inevitably presupposes a morbid state of the employee, the procedure in question limiting itself to ascertaining the dependence on a service cause (cf. art. 2 of Presidential Decree no. 461/2001, on the basis of which, the proceeding at the request of a party can be initiated by the "employee who has suffered injuries or contracted illnesses or suffered aggravations of pre-existing illnesses or injuries [...] to ascertain any dependence due to a service cause").

For these reasons, it is believed that the information relating to the filing of the application and the pending of the related proceeding, regardless of the outcome of the same, constitutes data relating to the health of the interested party (cf., art. 4, point 15) , and recital 35 of the Regulation).

Considering that the personal data of employees, processed for the purpose of managing the employment relationship, cannot, as a rule, be made known to subjects other than the interested party and within the administration must only be processed by some specifically authorized subjects (see points 2, 4, 5.1 and 5.3 of the Guidelines on the processing of personal data of workers for the purpose of managing the employment relationship in the public sector, of 14 June 2007, published in the Official Journal of 13 July 2007, n. 161 , and in www.garanteprivacy.it, web doc. n. 1417809), also in the context of the processing of personal data carried out through document management systems, it is necessary to adopt differentiated and/or confidential procedures with regard, in particular, to all documents containing personal data of employees, especially when they relate to the state of health or to events relating to the specific employment relationship (on this point, see also some decisions, the cu the principles can still be considered valid, with which the Guarantor declared the illegal processing of employees' personal data by colleagues due to the incorrect configuration of the IT protocol, provision 11 October 2012, n. 280, doc. web no. 2097560, and 12 June 2014, no. 298, doc. web no. 3318492).

Therefore, even in the presence of internal practices or organizational choices that provide for all personnel in service to be authorized to access the logging system with the same role of "protocol operator", it cannot be considered compliant with the regulatory framework on data protection the provision of personal data - especially if relating to health or relating to events linked to the individual employment relationship - of all personnel in service in a generalized and indistinct manner.

This is also confirmed by the declarations made during the preliminary investigation by the same Administration Department

according to which "the subjects authorized to process the data of the interested party in the context of the procedure relating to the service cause" were, by internal provisions, only the Commander and the "acting/authorised military". However, these cannot lawfully or reasonably coincide with all the personnel in service, as well as established by the organizational measures adopted by the Arma which correctly provide that "in the context of the Vicenza Station, the documents containing personal data of military employees (e.g. disciplinary sanctions, sensitive and judicial data) are managed directly by the military in the role of HEAD, without sharing the PROTOCOLLISTS role with the military" (see the report of the Vicenza Company Command).

In the light of the foregoing considerations, it is believed that, although with regard to the specific case in point, the sharing in the protocol system in favor of all personnel working at the Vicenza Station Command, of the note prot. XX with signature "XX", concerning "notification of the DCS/EI decree relating to the Marshal [name and surname and class]", relating to the transmission of the provision which had defined the procedure for the recognition of the claimant's cause of service, has entailed the "making available" of data also relating to the health of the data subject (cf. definition of "communication" pursuant to article 2-ter, paragraph 4, letter a), of the Code), in favor of all the soldiers of the station command and, therefore, also of unauthorized personnel, in violation of articles 5, 6 and 9 of the Regulation as well as articles 2-ter and 2-sexies of the Code.

5. Conclusions.

In the light of the assessments referred to above, it should be noted that the statements made by the data controller in the defense writings □ for the truthfulness of which one may be called upon to answer pursuant to art. 168 of the Code □ although worthy of consideration, do not allow the findings notified by the Office to be overcome with the act of initiation of the proceeding and are insufficient to allow the dismissal of the present proceeding, since none of the cases envisaged by the art. 11 of the Regulation of the Guarantor n. 1/2019.

Although the processing was undertaken by the Arma in the period prior to the entry into force of the Regulation, for the purposes of identifying the applicable legislation, in terms of time, it must be borne in mind that, based on the principle of legality pursuant to art. 1, paragraph 2, of the law no. 689/1981, "the laws that provide for administrative sanctions are applied only in the cases and within the times considered in them". From this follows the need to take into consideration the provisions in force at the time of the committed violation: in the case in question, given the permanent nature of the disputed offense - considering that, as shown by the documents, the "DOCSPA" system was used for logging activities until 4 December 2019

and that, moreover, it does not appear that measures have been taken to inhibit access by unauthorized personnel to the aforementioned note prot. XX of the XX, still available through the "DOCSPA" system (see screenshots attached to the aforementioned note of the XX) -, reference is made to the provisions of the Regulation and of the Code (as amended by Legislative Decree no. 101/2018) .

The preliminary assessments of the Office are therefore confirmed and it is noted that the unlawfulness of the processing of personal data carried out by the Arma occurred in violation of the general principles of processing and in the absence of an appropriate legal basis, in violation of articles 5, 6 and 9 of the Regulation as well as articles 2-ter and 2-sexies of the Code.

The violation of the aforementioned provisions renders the administrative sanction applicable pursuant to articles 58, par. 2, lit. i), and 83, par. 5, of the same Regulation, as also referred to by art. 166, paragraph 2, of the Code.

6. Corrective measures (Article 58, paragraph 2, letter d), of the Regulation).

In this context, taking into account that, as shown by the documents, through the "DOCSPA" system - no longer used for logging activities, but still accessible for any consultation of documents - it is possible to access the aforementioned note prot. XX of the XX (see screenshots attached to the aforementioned note of the XX), and that the data controller, during the investigation, did not indicate the measures adopted in order to inhibit access by unauthorized personnel to the aforementioned note , containing personal data of the interested party, it is considered necessary to enjoin the compliance of the treatment with the provisions of the Regulation and of the Code. In particular, pursuant to art. 58, par. 2, lit. d), of the Regulation, it is established that, within 30 days of notification of this provision, technical and organizational measures are adopted to prevent the note containing the data relating to the interested party from being no longer viewable by unauthorized personnel, and that communication is given to this Authority, pursuant to art. 157 of the Code, within 30 days of notification of this provision.

7. 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; art. 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 Board [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.

For the purpose of applying the sanction, the nature of the personal data processed was considered. On the other hand, it was considered that the treatment concerned only one interested party and that the treatment, within the framework of suitable technical and organizational measures adopted by the Arma for the management of the protocolling activities of the documents and the selective access to the data, was the the result of an isolated initiative consisting in sharing the note containing personal data. Furthermore, there are no previous 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 decided to determine the amount of the pecuniary sanction, in the amount of 10,000 (ten thousand) euros for the violation of articles 5, 6 and 9 of the Regulation as well as 2-ter and 2-sexies of the Code.

Taking into account the particular delicacy of unlawfully processed data, 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 by art. 16 of the Regulation of the Guarantor n. 1/2019.

Finally, it is believed that the conditions set forth in art. 17 of Regulation no. 1/2019.

ALL THIS CONSIDERING THE GUARANTOR

notes the unlawfulness of the processing carried out by the Carabinieri for violation of articles 5, 6 and 9 of the Regulation as well as 2-ter and 2-sexies of the Code, in the terms set out in the justification,

ORDER

to the Arma dei Carabinieri, in the person of the legal representative pro-tempore, with registered office in Rome, viale Romania n. 45, tax code 80236190585, pursuant to articles 58, par. 2, lit. i), and 83, par. 5, of the Regulation and 166,

paragraph 2, of the Code, to pay the sum of 10,000.00 (ten thousand) euros as an administrative fine for the violations indicated in the justification; 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

a) to the Arma dei Carabinieri to pay the sum of 10,000.00 (ten thousand) euros, in the event of failure to settle the dispute pursuant to art. 166, paragraph 8, of the Code, according to the methods indicated in the attachment, within 30 days of notification of this provision, under penalty of the adoption of the consequent executive acts pursuant to art. 27 of the law no. 689/1981;

b) to the Arma dei Carabinieri, pursuant to art. 58, par. 2, lit. d), of the Regulation, to adopt, within 30 days of notification of this provision, technical and organizational measures suitable for preventing the note containing the data relating to the interested party from being no longer viewable by unauthorized personnel; failure to comply with an order formulated pursuant to art. 58, par. 2, of the Regulation, is punished with the administrative sanction pursuant to art. 83, par. 6, of the Regulation;

c) to the Arma dei Carabinieri, pursuant to art. 58, par. 1, lit. a), of the Regulation, and of the art. 157 of the Code, to communicate, providing adequately documented feedback, within 30 days of notification of this provision, the initiatives undertaken in relation to the provisions of the previous letter b) and paragraph 6; failure to respond to a request made pursuant to art. 157 of the Code is punished with an administrative sanction, pursuant to the combined provisions of articles 83, par. 5 of the Regulation and 166 of the Code;

HAS

the publication of this provision on the Guarantor's website pursuant to art. 166, paragraph 7, of the Code;

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.

Pursuant to art. 78 of the Regulation, of the articles 152 of the Code and 10 of Legislative Decree 1 September 2011, n. 150, against this provision it is possible to lodge an appeal before the ordinary judicial authority, under penalty of inadmissibility, within 30 days from the date of communication of the provision itself or within 60 days if the appellant resides abroad.

Rome, 11 February 2021

PRESIDENT

Station

THE SPEAKER

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THE SECRETARY GENERAL

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