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Injunction against the Italian Archery Federation - 20 October 2022

Register of measures

no. 340 of 20 October 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 Dr. Claudio Filippi, deputy secretary general;

HAVING REGARD TO Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (hereinafter, the "Regulation");

HAVING REGARD TO the Code regarding the protection of personal data, containing provisions for the adaptation of the national legal system to Regulation (EU) 2016/679 (legislative decree 30 June 2003, n. 196, as amended by legislative decree 10 August 2018, n. 101, hereinafter "Code");

CONSIDERING the complaint of 13 April 2021 presented pursuant to art. 77 of the Regulations by Mr. XX against the Italian Archery Federation;

HAVING EXAMINED the documentation in the deeds;

HAVING REGARD TO the observations made by the general secretary pursuant to art. 15 of the Guarantor's regulation n. 1/2000;

SPEAKER Prof. Pasquale Stanzione;

WHEREAS

1. The complaint and the preliminary investigation.

With a complaint dated April 13, 2021, Mr. XX reported that the Italian Archery Federation (hereinafter "FITARCO"), on June 27, 2016, published on its website (www.fitarco-italia .org), a disciplinary measure against the same, containing personal data relating to criminal convictions and offenses (Article 10 of the Regulation) consisting of express references to a criminal proceeding in which the complainant has been accused and to the related convictions.

The applicant also reported that the aforementioned information was "easily available on the web by anyone who selects the (..) name [XX], associating it with that of the Federation" (see complaint of 13 April 2021 , page 2).

As part of the preliminary investigation launched by the Guarantor, the Office, with a note dated 26 May 2021, asked the aforementioned Association to provide information and clarifications on the facts subject to the complaint, as well as to explain the methods of publicizing the decisions of the Supervisory Bodies federal sports justice related to FITARCO, clarifying the purposes and the related storage times.

The data controller provided feedback to the Guarantor with a communication dated 1 July 2021, declaring the following:

with regard to the processing of members' personal data for the purposes of federal sports justice, the latter "is one of the activities expressly provided for by the federal system with regard to Federation membership relationships" as "explained in the information on the processing of personal data submitted to the interested parties at the time of enrollment" (see acknowledgment note of 1 July 2022, page 2; more specifically, see FITARCO disclosure, par. "Legal basis", letter a);

as regards the publication obligations of the decisions of the Federation's justice bodies, they are expressly provided for by art. 12.4 of the FITARCO Federal Justice Regulation which establishes the related procedures, stipulating that the aforesaid rulings are "published for an adequate time on the institutional website of the Federation, on the Federal Justice page in a specific location of easy access and, in any case, with link on the relevant page accessible from the home page" (see feedback note of 1 July 2022, page 2); this provision "is a direct emanation of a similar obligation set forth in art. 11, paragraph 4, of the Sports Justice Code of the Italian National Olympic Committee" (hereinafter "CONI"). In this regard, it should be remembered that "the public value of some activities of the National Sports Federations (FSN), as well as the principle of transparency in the exercise of these activities, are expressly provided for [by art. 23, paragraphs 1 and 1 bis] of the Statute of the Italian National Olympic Committee". The latter, however, establishes the obligation for the sports federations to comply with the guidelines and controls of CONI itself and to operate according to principles of impartiality and transparency (see acknowledgment note of 1 July 2022, pp. 2 and 3). FITARCO, therefore, applies "albeit with the methods and within the specific limits relating to the juridical nature of the Federation and its activities, [the] Legislative Decree of 14 March 2013, n. 33 on the Reorganization of the discipline concerning the obligations of publicity, transparency and dissemination of information by public administrations (so-called Transparency Decree), as amended by Legislative Decree no. 97/2016". This regulation, in art. 12, establishes specific obligations for the publication of documents of a general regulatory and administrative nature, which may include "measures such as that which is the subject of the complaint" (..). Documents containing deeds subject to mandatory publication pursuant to current legislation must [therefore] be published promptly on the institutional website of the Federation

(art. 8, paragraph 1 of Legislative Decree 33/2013). Hence, the provisions contained respectively in art. 12.4 of the Fitarco Federal Justice Regulations and in art. 11, paragraph 4, of the CONI Sports Justice Code referred to above" (see acknowledgment note of 1 July 2022, pages 3 and 4);

with regard to the adequacy of the online storage times of the aforementioned decisions, the application to this case of the legislation referred to in Legislative Decree lgs. 33/2013 determined its identification within the five-year term established by art. 8, paragraph 3 of the aforementioned decree (see acknowledgment note of 1 July 2022, page 4);

with reference to the specific matter that is the subject of the complaint, "Mr. XX has never exercised, against the Federation that is the data controller, the rights that the GDPR confers on him in articles 15 and following. Despite the receipt, on 4.11.2020, of an application aimed at obtaining the sports rehabilitation of the XX, the latter has never requested FITARCO to obscure and/or cancel the data contained in the provision published on the federal website ” (see acknowledgment note of 1 July 2022, page 5). In any case, following the presentation of the aforesaid complaint "the Italian Archery Federation proceeded (..) to the immediate obscuration of all personal data contained in the sports justice provision deemed not indispensable for the specific purposes of transparency of the publication, including those attributable to art. 10 of the GDPR, relating to criminal convictions and offenses inferable from the sentences of the Court and the Court of Appeal of Bologna. The Federation has also proceeded to arrange for the de-indexing, from the results offered by Internet search engines, of the links to the documentation and provisions subject of the complaint" and declares itself available, on the indication of the Guarantor, to remove the aforementioned documents in full from the federal website (see acknowledgment note of 1 July 2022, pages 6 and 7).

2. The initiation of the procedure for the adoption of corrective measures.

On 21 February 2022, the Office notified, pursuant to art. 166, paragraph 5, of the Code, the alleged violations of the Regulation found with reference to art. 5, par. 1, lit. a), letter. b), lett. c) and lett. e) and in art. 10 of the Regulation, as well as in art. 2-octies of the Code.

On 22 March 2022, the Federation sent its defense writings in which, in addition to fully recalling what was claimed in the acknowledgment note of 1 July 2022, it represented that:

a) with reference to the legal basis of the processing inherent to the publication on the FITARCO website of the complainant's personal data, the same is due to the fulfillment of legal obligations pursuant to art. 6, par. 1, lit. c) of the Regulation; this on

the basis of the obligation of sports federations to comply, by express regulatory provision (see law of February 16, 1942, n. 426), with the provisions of the Italian National Olympic Committee (see note of March 22, 2022, page 4 -5);

b) with regard to the timing of the online publication of the aforementioned personal data, "FITARCO deemed the five-year term adequate for the purposes of the publication itself" for the purposes of "fulfilment of the overall purposes of sports justice", including "the need to make the provision accessible to the person concerned also for the purposes of his appeal, to verify any recurrences, to allow the judges / competition referees to verify whether or not the athlete receiving the provision is disqualified and if, therefore, the same can take part to competitions" (see note of 22 March 2022, page 5).

3. Observations on the legislation on the protection of personal data and violations ascertained.

First of all, it should be noted that, unless the fact constitutes a more serious offence, whoever, in a proceeding before the Guarantor, falsely declares or certifies news or circumstances or produces false deeds or documents is liable pursuant to art. 168 of the Code "False statements to the Guarantor and interruption of the performance of the duties or exercise of the powers of the Guarantor".

Dutifully stated, following the preliminary investigation and the examination of the documentation acquired during the same, it was ascertained that the treatment put in place by FITARCO, through the publication on its website of personal data relating to criminal convictions and of the complainant, occurred in violation of the personal data protection legislation (see specifically, art. 5, par. 1, letter a), lett. b), lett. c) and lett. e) and art. 10 of the Regulation, as well as art. 2-octies, of the Code); this also taking into account the peculiarities of the sports system and the methods of functioning of the bodies of justice established therein, as more fully explained below.

The sports legal system, equipped with its own regulations and statutes as well as specific sports justice bodies, constitutes an autonomous system recognized by national legislation and subject to the so-called bond of justice which the members are required to adhere to pursuant to the relative statutes (see articles 1 and 2 of Legislative Decree no. 220 of 19 August 2003 - "Urgent provisions in the field of sports justice", converted with amendments by law No. 280 of 17 October 2003; see also Legislative Decree No. 242 of 23 July 1999 – "Reorganization of the Italian National Olympic Committee - CONI, pursuant to article 11 of Law No. 59 of 15 March 1997 "; see also Strasbourg Convention of 16 November 1989 – "Convention against doping", ratified by Italy with law of 29 November 1995, n. 522).

It is a system endowed with its own regulatory autonomy, with the faculty of issuing secondary source regulations, within the

limits of the necessary compliance with the laws of the Italian legal system.

In this context, in addition to the provisions of state law (so-called heteronomous sources), the statute and regulations of CONI, a public law body subject to the supervision of the Presidency of the Council of Ministers, as well as those of the national sports players, subjects of a private nature with tasks of "public value" in the cases expressly identified by CONI in its statute (see art. 15, paragraph 1, of Legislative Decree 242/1999).

The national sports federations, by express regulatory provision, while within the scope of their technical, organizational and management autonomy, are required to conform their internal regulations not only to the law, but also to the statute and fundamental principles issued by CONI (see Article 16 of Legislative Decree 242/1999; see Articles 20 and 22 of CONI's Statute, amended by the National Council on 23 February 2021 with resolution No. 1684 - approved with Prime Ministerial Decree of 8 February 2022). More specifically, CONI, as the "disciplinary, regulation and management authority of sports activities, (..) presides over, oversees and coordinates the organization of sports activities on the national territory (..), establishing the fundamental principles in order to obtain recognition for sporting purposes, the statutes of the National Sports Federations must comply" (see articles 1, 2 and 6, paragraph 4, of the CONI Statute).

As part of the exercise of these powers, CONI has adopted a "Code of sports justice" aimed at identifying the operating and management rules of the bodies established within it and those of the national sports federations (the national sports judge, the Territorial sports judges, the Sports Court of Appeal, the Federal Court, the Federal Court of Appeal and the Sports Guarantee Board); specific disciplinary sanctions are also envisaged and the methods of functioning of the relative procedures are regulated, including the forms of publicity of the connected decisions (see articles 2, 6, paragraph 4 and 12, of the CONI Statute; see also articles 1 , 2 and 3, of the Sports Justice Code, adopted with resolution of the CONI National Council, No. 1538, of 9 November 2015 - approved with Prime Minister's Decree of 16 December 2015).

With specific reference to the latter aspect, the aforementioned Sports Justice Code provides that "the decisions of the justice bodies [are] published and kept for an adequate time on the institutional website of the Federation [from time to time concerned] in a specific location easily accessible and, in any case, with a link to the relevant page accessible from the home page" (see article 11, paragraph 4 of the Sports Justice Code).

In the light of the aforementioned principle of necessary compliance of the statutes and regulations of the national sports federations with the CONI regulations, similar provisions, regarding the methods of publication of the decisions, are contained

within the Federal Justice Regulations adopted by FITARCO and applied in the present case (see, specifically, art. 12.4, of the Federal Justice Regulations, adopted with resolution of the FITARCO Federal Council no. 123 of 14 May 2016 and of the CONI National Council no. 224 of 24 May 2016).

Specific provisions are also made in relation to the functioning of the disciplinary proceedings initiated by the federal sports justice bodies, where, with particular reference to the effects of the online publication of the relative decisions, it is established that "the deadline for the appeal [of the measures adopted by the federal sports bodies] starts from the day following the publication [on the Federation's website] of the [aforesaid] decisions" (cf. art. 12, paragraph 4, art. 28, paragraph 2, art. 40, paragraph 6 and Article 42 of the FITARCO Federal Justice Regulation, cited above; see also the content of the CONI Sports Justice Code, see Article 11, paragraph 4, Article 23, paragraph 2, Article 35, paragraph 6, Article 37, paragraphs 2 and 7 and Article 59, paragraph 1).

From all of the provisions indicated above, the publicity obligations of the sporting measures envisaged by the FITARCO Federal Justice Regulations do not appear to respond, as claimed by the Federation (see acknowledgment note of 1 July 2022, pages 3 and 4), to the transparency purposes identified by Legislative Decree 14 March 2013, n. 33. In fact, they seem rather connected to the needs of the so-called legal effectiveness of the aforementioned acts and, more generally, knowledge and foreseeability of the law as well as certainty of the legal relationships in the sports system.

The processing of personal data carried out in fulfillment of the aforementioned publication obligations, therefore, must be carried out in the light and in compliance with the specific regulation of the aforementioned sector, as it cannot find a suitable legal basis in the art. 12 of Legislative Decree 33/2013.

The decisions of the sports justice bodies, moreover, do not constitute "deeds of a general regulatory and administrative nature", as declared by the Federation (see acknowledgment note of 1 July 2022, page 4), as they do not present the characteristics of generality and guidelines expressly referred to by the aforementioned Legislative Decree 33/2013 (see art. 12; see also the National Anti-Corruption Authority, resolution of 28 December 2016 - "First guidelines containing indications on the implementation of the obligations of publicity, transparency and dissemination of information contained in Legislative Decree 33/2013 as amended by Legislative Decree 97/2016", paragraph 4); a circumstance confirmed by the list of legislative and administrative acts pursuant to art. 12 of Legislative Decree 33/2013 identified by CONI itself in the context of the indications specifically provided to the national sports federations in implementation of the aforementioned decree: list where

there is no reference to a specific obligation to publish the decisions of the bodies of justice (see CONI, circular of 17 May 2019 - "Indications regarding the publication obligations relating to the National Sports Federations and the Associated Sports Disciplines"; see also National Anti-Corruption Authority, resolution of 28 December 2016, cit., Annex 1). As further proof of what has just been highlighted, it is also noted that the decisions of the FITARCO justice bodies are not published in the section of the website of the aforementioned Federation specifically provided for the fulfillment of the obligations set out in the legislation on transparency (so-called section "Transparent Federation", see CONI, circular of 17 May 2019, cit., page 8), but they can instead be found in a different section of the aforementioned website, specifically dedicated to the different issue of sports justice.

Having clarified this in relation to the nature of the obligation to publish the disputed decisions, it is however recalled that the data controller, in application of the principles of purpose and minimization pursuant to art. 5 of the Regulation, before making deeds and documents containing personal data available on its website, it is required, in any case, to carefully select the information to be published, verifying, case by case, whether or not the conditions for the blacking out of certain data; this in order to minimize the use of personal information, and avoid its processing where the purposes pursued in the individual hypotheses can equally be achieved through anonymous data or other methods that allow the data subject to be identified only if necessary (art. 5, paragraph 1, letters b) and c), of the Regulation).

When publishing deeds and documents on a website, therefore, the owner must carry out a precise verification concerning the compliance of the aforementioned disclosure of personal data with respect to what is strictly necessary and proportionate to the achievement of the purposes pursued by the deed. of advertising, paying particular attention in the presence of information suitable for revealing criminal convictions and offenses (article 10 of the Regulation and article 2-octies of the Code).

This particular type of personal data, in fact, is protected by a framework of particularly stringent guarantees which provides for the possibility for the data controllers to process (and, more specifically for the case in question, to disseminate) the aforementioned information only where this is expressly provided for by a legal provision or, in the cases provided for by law, a regulation, which provide specific guarantees for the rights and freedoms of the interested parties (art. 5, paragraph 1, letter a) and art. 10, of the Regulation; art. 2-octies, of the Code; v. also, for the compatibility profiles with the case in question, provision of the Guarantor 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", pp. 36-38).

The aforementioned principles also find particular application in the case raised in dispute, with respect to which, the undersigned Authority does not find, unlike what is claimed by the Federation (see above, paragraph 1, letter a) of this decision), the existence, within the aforementioned rules of sports law (in particular, art. 12 of the FITARCO Federal Justice Regulation), of a legal basis suitable for allowing, pursuant to art. 10 of the Regulation and of the art. 2-octies of the Code, the online dissemination of judicial data relating to the complainant.

This nor with regard to the "necessity" of the publication of the aforementioned judicial data with respect to the purposes of publicizing the decisions envisaged by the aforementioned provisions (Article 5, paragraph 1, letter b) and letter c), of the Regulation), nor with regard to the identification, within the context of the aforementioned provisions of the sports system, of specific guarantees for the rights and freedoms of the interested parties (Article 10 of the Regulation and Article 2-octies, paragraph 1 of the Code).

Therefore, the violation by FITARCO of the art. 5, par. 1, lit. a), letter. b) and lett. c) and of the art. 10 of the Regulation as well as art. 2-octies of the Code.

In relation to the retention times of the aforementioned decisions on the website www.fitarco-italia.org, the Federation initially (see acknowledgment note of 1 July 2022, page 4) declared that it had identified a five-year term in compliance with the provisions pursuant to Legislative Decree lgs. no. 33/2013 (see art. 8 of Legislative Decree no. 33/2013; see acknowledgment note of 1 July 2022, page 4).

This indication, however, for the reasons expressed above, does not appear, in the state of the deeds and documentation acquired, to comply with the principle of "limited retention" of personal data provided for by the Regulation (Article 5, paragraph 1, letter e) of the Regulation), as the obligation to publish pursuant to the aforementioned legislation on transparency cannot be applied to the case in question, as already explained.

In the defense briefs (see above, paragraph 1, letter b) of this provision), FITARCO justified differently the adequacy of the five-year term in relation to the fulfillment of the overall purposes of sports justice, such as, for example, "the need to make the provision accessible to the person concerned also for the purpose of appealing against it, to verify any recurrences, to allow the judges/competition referees to verify whether or not the athlete receiving the provision is disqualified and if, therefore, the same can take part in the competitions” (see note of 22 March 2022, page 5).

However, even this timing does not appear to be in line with art. 5, par. 1, lit. e) of the Regulation, not having been provided by the holder with suitable indications to prove the correlation, in terms of strict necessity, of the aforementioned term in relation to the purposes indicated above, as required by art. 5, par. 1, lit. e) of the Regulation.

In this regard, in fact, the examples reported by the owner do not appear to contain elements suitable for deeming that the publication for five years of the data relating to the complainant's data is necessary and proportionate to the objectives pursued, nor that these objectives cannot be achieved equally effective in ways that are less prejudicial to the rights of data subjects; this specifically considering the shorter terms for challenging the decisions of the sports justice bodies envisaged by the sector regulations (see articles 28 and 42 of the FITARCO Federal Justice Regulations), as well as the possibility for judges/ match referees to carry out checks on the condition of the participants (repeat offenses, disqualifications, etc.) using methods that do not provide for the online publication of the judicial data referring to them (for example by consulting the lists made available internally by the Federation , etc.).

In the light of the foregoing, the violation by FITARCO of art. 5, par. 1, lit. e) of the Regulation.

4. Conclusions: declaration of illegality of the treatment.

For the aforementioned reasons, the Authority believes that the declarations, documentation and reconstructions provided by the data controller during the investigation do not allow the findings notified by the Office to be overcome with the act of initiating the procedure and which are therefore unsuitable for ordering the filing of this proceeding, since none of the cases envisaged by art. 11 of the Guarantor's regulation n. 1/2019.

The processing of personal data carried out by FITARCO is therefore unlawful, in the overall terms indicated above, in relation to art. 5, par. 1, lit. a), letter. b), lett. c) and lett. e) and in art. 10 of the Regulation, as well as in art. 2-octies of the Code.

The violation of the aforementioned provisions entails the application of the administrative sanction provided for by art. 83, par. 5 of the Regulation as also provided for by art. 166, paragraph 2 of the Code.

Having also taken note of the circumstance that FITARCO, during the proceedings, declared that it had taken steps to obscure the personal data relating to the complainant and to have ordered the de-indexing of the same in search engines, it is believed that, at the state of the documents, there are no , the conditions for the adoption of further corrective measures pursuant to art. 58, par. 2 of the Regulation.

Lastly, the Authority points out, in more general terms, the opportunity for the question relating to the publicity regime of

disciplinary measures adopted by sports justice bodies to be carefully considered in close correlation with the right to the protection of the personal data of the athletes concerned by the aforesaid decisions or of other subjects referred to by them. As already noted above, in fact, the provisions regarding the publicity of measures in the sports field are primarily connected to the need for knowledge and predictability of the law as well as the certainty of legal relationships within the sports system. However, they appear at the same time to contribute, also in consideration of the peculiar characteristics that characterize the latter, to ensure the regular and correct running of matches, competitions and championships; all this in a sector, that of sports competitions, which has suffered, especially in recent years, from a huge increase in new and serious criminal phenomena (see the recent "Global Global Report on Corruption in Sports" published on 9 December 2021 by the United Nations Office on Drugs and Crime).

It is therefore in the light of this delicate context that a careful balance must be put in place between the public interest underlying the system of knowledge of the aforementioned disciplinary measures and the fundamental rights of the person protected by the Regulation.

To this end, the Guarantor reserves the right to initiate, pursuant to art. 57, par. 1, lit. d) of the Regulations, an activity of interlocution with CONI which, in addressing the overall issues relating to the methods of publication of the decisions of the sports justice bodies and the related online storage times of the same, identifies specific guarantees to protect the confidentiality of the interested parties, aimed at preventing the recurrence of cases similar to the one in question.

5. Adoption of the injunction order (articles 58, paragraph 2, letter i), and 83 of the Regulation; art. 166, paragraph 7, of the Code).

The Guarantor, pursuant to art. 58, par. 2, lit. i) of the Regulation and of the art. 166 of the Code, has the power to impose a pecuniary administrative sanction provided for by art. 83, par. 5, of the Regulation, through the adoption of an injunction order (art. 18. Law 24 November 1981 n. 689), in relation to the processing of personal data referring to the complainant, the illegality of which has been ascertained, within the terms exposed above.

Considering it necessary to apply paragraph 3 of the art. 83 of the Regulation where it provides that "if, in relation to the same treatment or to connected treatments, a data controller [...] violates, with malice or negligence, various provisions of this regulation, the total amount of the pecuniary administrative sanction does not exceed the amount specified for the most serious violation", the total amount of the fine is calculated so as not to exceed the maximum prescribed by the same art. 83,

par. 5.

With reference to the elements listed by art. 83, par. 2 of the Regulation for the purpose of applying the pecuniary administrative sanction and the relative quantification, taking into account that the sanction must be "in each individual case effective, proportionate and dissuasive" (Article 83, paragraph 1 of the Regulation), it is represented that , in the hypothesis in question, the following circumstances were taken into consideration:

the significant seriousness of the violation (Article 83, paragraph 2, letter a) of the Regulation), in relation to the nature -concerning the failure to comply with the principles of lawfulness of the processing-, to the methods -inherent in the online dissemination of personal data of particular delicacy-, and the duration -quantifiable in about five years-, of the aforesaid violation;

the significantly negligent behavior and the degree of responsibility of the owner (Article 83, paragraph 2, letter b), lett. d), of the Regulation) with specific reference to the failure to adopt technical and organizational measures aimed at preventing the illegal online dissemination of judicial data; this in particular in the light of the indications already provided some time ago by the Guarantor with a provision of general scope regarding the principles to be applied in order to protect the confidentiality of the interested parties even in the presence of regulatory obligations to publish deeds and documents (see provision of the Guarantor 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");

the particularly sensitive nature of the information being disclosed (art. 83, paragraph 2, letter g) of the Regulation), or concerning personal data relating to criminal convictions and offenses referred to in art. 10 of the Regulation;

the adoption, by the controller, of measures aimed at mitigating or eliminating the consequences of the violation (Article 83, paragraph 2, letter c) of the Regulation). In this regard, the fact that FITARCO, after the opening of the investigation, promptly took steps to interrupt the unlawful conduct, by obscuring the data referring to the complainant and de-indexing from the main search engines of the disciplinary measure referring to the same, must be considered positively ;

the fact that the Association has actively cooperated with the Authority during the proceedings (Article 83, paragraph 2, letter f) of the Regulation), as well as the fact that there are no previous violations committed by the data controller or previous measures pursuant to art. 58 of the Regulation (art. 83, paragraph 2, letter e) of the Regulation).

Furthermore, it is believed that they assume relevance, in the present case, in consideration of the aforementioned principles of effectiveness, proportionality and dissuasiveness with which the Authority must comply in determining the amount of the fine (Article 83, paragraph 1, of the Regulation), the offender's nature as a non-profit association as well as its small economic size compared to other National Sports Federations (see FITARCO financial statements for the year 2021 in this regard).

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 art. 5, par. 1, lit. a), letter. b), lett. c) and lett. e) and of the art. 10 of the Regulation, as well as art. 2-octies of the Code.

In this context, also in consideration of the type of violation ascertained, which concerned the principles of protection of personal data and concerned personal data relating to criminal convictions and offences, it is noted, pursuant to art. 166, paragraph 7, of the Code and of the art. 16, paragraph 1, of the Guarantor's regulation n. 1/2019, of having to proceed with the publication of this provision on the website of the Guarantor.

Finally, it is believed that the conditions set forth in 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 THAT BEING CONSIDERED, THE GUARANTOR

a) notes, pursuant to articles 57, par. 1, lit. f) and 83, of the Regulation, the unlawfulness of the processing carried out by the Italian Archery Federation, based in Rome, Tax Code 80063130159, in the terms referred to in the motivation, for the violation of the art. 5, par. 1, lit. a), letter. b), lett. c) and lett. e) and of the art. 10 of the Regulation, as well as art. 2-octies of the Code;

b) believes 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.

ORDER

c) pursuant to art. 58, par. 2, lit. i) of the Regulations to the same Italian Archery Federation, to pay the sum of 10,000 (ten thousand) euros as an administrative fine for the violations indicated in this provision.

ENJOYS

d) then to the Federation to pay the aforementioned sum of 10,000 (ten thousand) euros, according to the methods indicated in the annex, 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. It is represented that pursuant to art. 166, paragraph 8 of the Code, without prejudice to the

offender's right to settle the dispute by paying - always according to the methods indicated in the attachment - an amount equal to half of the fine imposed within the term referred to in art. 10, paragraph 3, of Legislative Decree lgs. no. 150 of 1 September 2011 envisaged for the filing of the appeal as indicated below.

HAS

e) the publication of this provision on the Guarantor's website pursuant to art. 166, paragraph 7, of the Code and of the art. 16, paragraph 1, of the Guarantor's regulation n. 1/20129.

Pursuant to art. 78 of the Regulation, as well as articles 152 of the Code and 10 of Legislative Decree no. 150/2011, opposition to the ordinary judicial authority may be lodged against this provision, with an appeal lodged with the ordinary court of the place identified in the same art. 10, within the term of thirty days from the date of communication of the measure itself, or sixty days if the appellant resides abroad.

Rome, 20 October 2022

PRESIDENT

station

THE SPEAKER

station

THE DEPUTY SECRETARY GENERAL

Philippi