[doc. web n. 9720448]

Injunction order - 29 September 2021

Record of measures

n. 358 of 29 September 2021

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

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

GIVEN the Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, concerning the protection of individuals with regard to the processing of personal data, as well as the free circulation of such data and which repeals Directive 95/46 / EC, "General Data Protection Regulation" (hereinafter the "Regulation");

GIVEN the legislative decree 30 June 2003, n. 196 containing the "Code regarding the protection of personal data, containing provisions for the adaptation of the national 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 to the processing of personal data, as well as to the free circulation of such data and which repeals Directive 95/46 / EC (hereinafter the "Code");

GIVEN the Legislative Decree 10 August 2018, n. 101 on "Provisions for the adaptation of national legislation to the provisions of 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 the free circulation of such data and repealing Directive 95/46 / EC ";

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

GIVEN the provision n. 55 of 7 March 2019 containing the "Clarifications on the application of the regulations for the processing of data relating to health in the health sector" and available at www.gpdp.it, doc. web n. 9091942;

GIVEN the documentation in the deeds;

GIVEN the observations made by the Secretary General pursuant to art. 15 of the Guarantor Regulation n. 1/2000 on the

organization and functioning of the office of the Guarantor for the protection of personal data, Doc. web n. 1098801;

Speaker Dr. Agostino Ghiglia;

WHEREAS

1. Reporting and preliminary investigation.

On 15 September 2020, the Authority received, from Mr. XX, a report concerning an alleged violation of the rules on the protection of personal data put in place by Dr. Manuela Mazzoli - C.F. XX, domiciled at the office of Avv. XX, with study in XX, XX (PEC: XX) - for having communicated the personal information of the reporting party to third parties.

In particular, Mr. XX complained that Dr. Mazzoli, to whom he had visited on 3 September 2020, communicated some of his personal data, including his mobile number, to Mrs. XX, national marketing advisor and product business consultant XX of whom, the aforementioned doctor, had recommended the hiring, to Mr. XX.

The reporting party specified that he had been reached by telephone, on 8 September 2020, by the aforementioned company consultant, who allegedly declared that she had been contacted by Dr. Mazzoli "to find out if (Mr. XX) had (to) call to place the order ".

The reporting party also pointed out that he "never gave consent to disclose (...) (his) personal data and (...) (his) clinical condition outside the hospital context".

With a note dated 17 September 2020 (prot. No. 34470/20), the Office, in order to fully assess the issue, requested Dr. Mazzoli to provide, pursuant to art. 157 of the Code, any element of information useful for evaluating the case.

On 29 September 2020, Dr. Manuela Mazzoli provided feedback, representing, in particular, that “Mr. XX (...) on 3 September 2020, during the visit he had expressed the desire for a natural product, so I felt like directing the patient to this antioxidant product because it is supported by numerous scientific studies that I am attaching. This product can be obtained online or through an authorized business consultant. The patient told me that he preferred to be put in contact with a consultant, so I asked the patient if he would like to be contacted by the consultant and the patient gave verbal consent, confirming that the patient has the note with the name and the telephone of the authorized consultant (…).

It is clear that no clinical data of the patient was at any time provided to the consultant or to third parties… ".

In light of what has been declared, the Office, with act no. 41377 of 4 November 2020, notified Dr. Mazzoli, pursuant to art. 166, paragraph 5, of the Code, the initiation of the procedure for the adoption of the measures referred to in Article 58, par. 2 of

the Regulation, inviting this data controller to produce defensive writings or documents to the Guarantor or to ask to be heard by the Authority (Article 166, paragraphs 6 and 7, of the Code; as well as Article 18, paragraph 1, of law no. . 689 of 11/24/1981).

In particular, the Office, in the aforementioned deed, represented that, on the basis of the elements in the deeds and the related assessments carried out, considering that Dr. Mazzoli has not demonstrated that the interested party has given consent to the processing of their personal data in order to be put in contact with the business consultant of XX products, it is ascertained that Dr. Manuela Mazzoli herself has communicated the personal and health data relating to Mr. XX, to Ms XX, business consultant of XX products, in the absence of the legal conditions underlying this communication and, therefore, in violation of art. 9 of the Regulation, resulting in a violation of the basic principles applicable to the processing and, in particular, those referred to in art. 5, lett. a), of the same Regulation.

With a note dated 30 November 2020, Dr. Mazzoli, through her lawyer, sent her defense brief, in which, in addition to what was declared, it was represented that:

- "The relations between Dr. Mazzoli and Mr. XX have always been based on the utmost mutual correctness and transparency and (...) what happened after the visit on 3.09.2020 is evidently the result of a mere misunderstanding (...) as Dr. Mazzoli acted in perfect good faith and in the belief that Mr. XX shared what she did ";
- "(...) Dr. Mazzoli has in fact provided Mrs. XX with the name and telephone number of Mr. XX, but not also - please note - further information relating to the state of health or clinical condition of the latter. (...) Dr. Mazzoli, in involving Mrs. XX, not only never referred to the pathology the XX was suffering from, but she didn't even inform her of which particular product - among the various ones marketed by XX - these needed. These circumstances were also confirmed by Ms XX herself in the declaration attached hereto (see annex 1). Nor, moreover, from the same report sent by Mr. XX (…) contrary indications emerge ";
- "(...) all" personal data relating to physical health "of the current reporting person, including the" health care "provided to him and the prescribed treatment plan, represented information known only and exclusively to the XX and his doctor";
- "In any case, it should be noted that the XX product recommended by Dr. Mazzoli (...) (is) a product, so to speak, non-specific, that is, without a unique therapeutic indication. In the "product sheet" of the capsules prescribed by Dr. Mazzoli (...) there is only the list of ingredients, and not the so-called pharmacotherapeutic category "for which" (...) Mrs. XX (...) does

not he could have obtained (not even indirectly) any useful information regarding the pathology or clinical needs of Mr. XX ";

- “It is therefore believed that the objection of having disclosed to third parties« data (...) on health, relating to Mr. XX, (...) in the absence of the legal conditions provided for by art. 9 of the Regulations "is in no way founded as it does not correspond to the actual development of the relations between Dr. Mazzoli and Mr. XX, on the one hand, and between Dr. Mazzoli and Mrs. XX, from 'other. If the processing is illegal (or, in any case, unjustified), this, at most, has as its object "personal data", but not also "health data"; with all that follows in terms of exact identification of the legal conditions legitimizing the processing ";

- "(...) absolutely undisputed that Dr. Mazzoli had initially given Mr. XX the contact details of Mrs. XX, so that it was directly XX himself who took action (...) which demonstrates how the involvement of third parties was not certain in the original intentions of today's accused. What (...) Mr. XX forgets to say (...) is that Dr. Mazzoli decided to interest Mrs. XX in the story only after the first had ruled out that she was able to proceed with the purchase through telematic channels. Asking to contact the Consultant herself. Consequently, Dr. Mazzoli, in other words, provided Mrs. XX with the name and telephone number of Mr. XX in the belief - at the time of the facts completely justified and therefore excusable today - that these, a having shared and accepted the proposed therapeutic plan, he had also given his consent so that the accused today would do everything necessary for this purpose. In this regard, the behavior of Mr. XX was completely in line ”;

- "The foregoing allows us to develop a final, decisive reflection in relation to the objection raised to Dr. Mazzoli, in the part in which she is reproached for not having" demonstrated that the interested party has given his consent to the processing of his personal data for a purpose other than that of treatment, such as being put in contact with the business consultant for XX products ". (…) Dr. Mazzoli has never pursued a purpose other than that of assistance and care in the proper sense. From this point of view, it should be considered first of all that the circumstance for which Ms. XX, in the phone call of 8.09.2020, may have presented herself to Mr. XX as a Consultant of XX, or also carries out marketing activities for the Company in promotional events aimed at an indistinct audience of people (see link attached by Mr. XX to his report), does not assume any specific relevance or meaning. In the present case, in fact, there is no doubt that the intervention of the aforementioned Mrs. XX was (a) aimed at satisfying the specific needs of Mr. XX and (b) limited to the mere supply of the food supplement prescribed by Dr. Mazzoli in the context (…) of a therapeutic plan known and shared by the XX himself. Moreover, it is the reporting person himself who acknowledges that Mrs. XX contacted him only in relation to the "order" of the "tablets which, according to the doctor, would have solved my problem" and not for others (and not better specified) commercial purposes, in order to promote

the sale of any other product of the XX. With this it is therefore evident that in the intentions of Dr. Mazzoli the involvement of Mrs. XX was exclusively for the purpose of treatment and was functional to ensure the best possible health care for her patient. With the consequence that the processing of Mr. XX's personal data (name and telephone number) here in dispute may well be considered lawful precisely pursuant to art. 9 of the Regulation, as «necessary» for the pursuit of a specific «purpose of care» ".

For the aforementioned reasons, the party requested the filing of the proceedings in progress.

2. The legislation on the protection of personal data

Having taken note of what is represented by Dr. Mazzoli, also through her lawyer, in the documents in deeds and in the defense briefs, it is noted that:

1. The information communicated to third parties concerns common personal data and data relating to health, where "personal data" means "any information concerning an identified or identifiable natural person (" interested party ")" and "data relating to health "" Personal data relating to the physical or mental health of a natural person, including the provision of health care, which reveal information relating to his state of health "(Article 4, par. 1, nos. 1 and 15 of the Regulation) .

2. The regulations on the protection of personal data in the health sector provide that information on the state of health can only be communicated to the interested party and can be communicated to third parties on the basis of a suitable legal basis or on the indication of the interested party. , subject to the written authorization of the latter (Article 9 of the Regulations and Article 84 of the Code in conjunction with Article 22, paragraph 11, Legislative Decree 10 August 2018, No. 101).

3. For treatments "necessary" for the pursuit of specific treatment purposes, carried out by (or under the responsibility of) a health professional subject to professional secrecy, it is no longer necessary to request the consent of the interested party (Article 9, par. 2 , letter h) and par. 3 of the Regulation). These treatments are those "essential" for the achievement of one or more specific purposes and explicitly connected to health care (see recital 53 of the Regulation) (...) ", as clarified by the Guarantor in provision no. 55 of 7 March 2019 (available on the corporate website www.gpdp.it, web doc. No. 9091942). In this provision, the Guarantor has also expressly highlighted that "any treatments relating, only in a broad sense, to the treatment, but not strictly necessary, therefore require, even if carried out by health professionals, a distinct legal basis to be identified, possibly, in the consent of the interested party or in another condition of lawfulness "and that, therefore, the treatments carried out by health professionals for commercial or promotional purposes require the explicit consent of the interested party (Article

9, paragraph 2, letter a) of the Regulation).

4. By "consent of the interested party" we mean "(...) any manifestation of the free, specific, informed and unambiguous will of the interested party, with which the same expresses his / her consent, by means of an unequivocal positive declaration or action, that the data personal data concerning him / her are subject to processing (Article 4, No. 11, of the Regulation). "If the processing is based on consent, the data controller must be able to demonstrate that the data subject has given their consent to the processing of their personal data" (Article 7 and recital 42 of the Regulation). This consent, in the case of the processing of particular categories of data, must be "explicit" (art. 9 par. 2, lett. A) and recital 51 of the Regulation).

5. The data controller is, in any case, required to comply with the principles of data protection, including that of "lawfulness, correctness and transparency", according to which the data must be "processed lawfully, correct and transparent towards the interested party "(art. 5, par. 1, lett. a) of the Regulations).

4. Evaluations of the Guarantor and outcome of the preliminary activity

In light of the above, taking into account the statements made by Dr. Mazzoli, also through her lawyer, during the investigation and considering that, unless the fact constitutes a more serious crime, anyone, in a proceeding before the Guarantor, falsely declares or certifies news or circumstances or produces false deeds or documents, and is liable pursuant to art. 168 of the Code "False statements to the Guarantor and interruption of the execution of the tasks or the exercise of the powers of the Guarantor" notified by the Office with the act of initiating the procedure pursuant to art. 166 of the Code and, therefore, to arrange for the filing of this proceeding, since none of the cases provided for by art. 11 of the Guarantor Regulation n. 1/2019.

First of all, in relation to the arguments put forward by the party in support of the alleged nature of the information involved in the matter, qualified, in the defense brief, solely as common personal data and not data relating to health and, therefore, the groundlessness of the "complaint (to Dr. Manuela Mazzoli) of having disclosed to third parties «data (...) on health, relating to Mr. XX, (...) in the absence of the legal conditions provided for by art. 9 of the Regulations ", it should be noted that, although, as represented in the defensive note," Dr. Mazzoli, in involving Mrs. XX, never (...) (has) ever referred to the pathology of which the XX was affection, but neither did he inform her of which particular product - among the various marketed by XX - he needed (...) "and although" the product of the XX recommended by Dr. Mazzoli (...) (is) a product (...), non-specific, that is, without a unique therapeutic indication ", it is clear from the documents that Mrs. XX was aware of the care relationship between Dr. Mazzoli and the reporting person.

Indeed, in the note of 25 November 2020 - attached to the defense brief - signed by the company consultant and addressed to the lawyer of Dr. Mazzoli, this consultant pointed out that Dr. Mazzoli told her that she had given her "(...) references to one of her patients, who had expressed the desire to be treated with natural products and to whom she had therefore indicated the supplements of the XX ". The information concerning the fact that Mr. XX had undergone a visit to the doctor herself and were, therefore, her patient - communicated to the aforementioned business consultant by Dr. Mazzoli - constitute personal data relating to health pursuant to art. 4, par. 1, no. 15, of the Regulations, although Dr. Mazzoli has not put in place any communication relating to the clinical reasons and / or pathology of the current reporting person, determining the need for the medical service received.

In this sense, the Authority, over the years, has often intervened to clarify that, for example, the patient's state of health can be deduced through the correlation between his identity and the indication of the structure or department (in the case of hospitals) where this patient went or was hospitalized (see Annual Report 2014, page 64). Therefore, the fact that the whistleblower has received a medical service from Dr. Mazzoli is suitable for revealing the state of health of the whistleblower himself and, consequently, his personal data relating to health in the terms indicated in art. 4, par. 1, no. 15, of the Regulation.

Furthermore, the reference to the good faith invoked by Dr. Mazzoli cannot be accepted both in relation to the pursuit, by the same, of the "purpose of care" also in carrying out the treatment object of the report and in relation to the proposed release of consent by Mr. XX, in order to be contacted by the commercial consultant.

As for the first aspect, for which "Dr. Mazzoli has never pursued a purpose other than that of assistance and care in the proper sense (...)" and for which "in the intentions of Dr. Mazzoli, the involvement of Mrs. .ra XX responds (va) exclusively to treatment purposes and (…) (was) functional to ensure the best possible health care for its patient. Consequently, the processing of Mr. XX's personal data (name and telephone number) here in dispute may well be considered lawful in accordance with art. 9 of the Regulations, as "necessary" for the pursuit of a specific "treatment purpose" ", it should be noted that Dr. Mazzoli herself was required to know that the treatments referred to in art. 9, par. 2, lett. h), necessary for the pursuit of the specific "treatment purposes" provided for by the law, are those - as highlighted above - "essential" for the achievement of one or more specific and explicitly connected purposes to health care and that the treatments carried out by professionals for commercial purposes require the explicit consent of the interested party (Article 9, paragraph 2, letter a) of the Regulation and Provision no. 55, of 7 March 2019, available on the institutional website www.gpdp.it, doc. web n. 9091942).

In fact, according to consolidated jurisprudence (Cass. Civ. Section I of 21 February 1995 no. 1873; Cass. Civ. Section II of 13 March 2006, no. 5426, Cass. No. 13610/2007, Cass. No. 16320 / 2010, Cass. N. 19759/2015), for the application of art. 3 of the law n. 689/1981 it is necessary that good faith or, under the terms of art. 3 of Law 689/1981, the error, in order to be excusable, is based on a positive element, foreign to the agent and capable of determining in him the conviction of the lawfulness of his behavior. This positive element must not be obvious to the interested party with the use of ordinary diligence. Dr. Mazzoli, as data controller and in relation to the exercise of her medical activity, was obliged, diligently, to know and observe the rules applicable to the matter in question regarding the processing of personal data, as well as its interpretation. Moreover, the fact that Dr. Mazzoli, in communicating the data of Mr. XX to the business consultant of natural products, would have acted solely for "treatment purposes", it is in contradiction with the alleged good faith of Dr. XX herself that she had received verbal consent from Mr. XX, as stated in the documents for which "Dr. Mazzoli (...) provided Mrs. XX with the name and telephone number of Mr. XX in the belief (...) that he, once shared and accepted the plan proposed treatment had also given his consent so that the accused today did everything necessary for this purpose ".

In fact, in the declarations in the documents, reference is often made to the existence of a "verbal consent" issued by Mr. XX: this existence reveals the awareness, in Dr. Mazzoli, of the need to acquire consent for the communication to third parties of information, also concerning health, in the terms clarified above, that is, if such communication is not "essential" for achieving of one or more specific and explicitly connected purposes to health care (see feedback provided in a note dated 29 September 2020 to the request for information from this Authority in which Dr. Mazzoli points out that "(...) The patient told me who preferred to be put in contact with a consultant, so I asked the patient if he liked to be contacted by the consultant and the patient gave verbal consent (...) "and also the defensive memory, in which it is stated that" Mr. XX (...) asked Dr. Mazzoli that it was Mrs. XX who called him, and not vice versa, thus authorizing the accused today to provide her contact details to the aforementioned Mrs. XX ").

Because of the above, the argument that "Dr. Mazzoli acted in perfect good faith and in the belief that Mr. XX shared what she did", not only excludes that Dr. Mazzoli carried out the processing subject to reporting for "treatment purposes" - given the awareness of the need to issue consent for the communication of information for commercial purposes - but also cannot - in terms of good faith in relation to the existence and validity of this consent - to accept oneself for the same reasons illustrated above, for which Dr. Mazzoli, due to the activity exercised, was required, diligently, to know and observe the applicable rules in

terms of the protection of personal data, as well as the relative interpretation.

In fact, Dr. Mazzoli should have known that consent, in order to be valid, in addition to being "free", "specific", "informed" and "unequivocal" (Article 4, No. 11 of the Regulation), in 'hypothesis of treatment of particular categories of data, as per art. 9 of the same Regulation and in the terms clarified above, must also be "explicit". In any case, for processing based on consent, the data controller must be able to demonstrate that the data subject has consented to the processing itself (Article 7 and recital 42 of the Regulation).

The alleged - by Dr. Mazzoli - "verbal consent" of Mr. XX, however, not only has not been proven in any way, but its existence is even contradicted by the fact that Dr. Mazzoli herself gave the patient, "the note with the consultant's name and telephone number (...) "(See note attached to the complaint and note of 29 September 2020), a circumstance that denotes that the initiative to get in touch with Dr. Apollonio had been remitted to the patient, who was free or not, to contact the same consultant. This contradiction is also supported by the fact that the patient is, precisely in this regard, the current reporting person, who complains that he has never "given consent to disclose (...) (his) personal data and (…) (Own) clinical condition outside the hospital context ".

5. Conclusions

For the reasons described above, the unlawfulness of the processing of personal data carried out by Dr. Mazzoli for having communicated the personal and health data relating to Mr. XX, his patient, to a third party in order to propose the purchase of natural products; this, in the absence of the legal conditions provided for by art. 9 of the Regulations, considering that this data controller has not demonstrated that the data subject has given his consent to the processing of his personal data for a commercial purpose, such as being put in contact with the business consultant of the aforementioned natural products.

Therefore, the preliminary assessments of the Office relating to the ascertained violation of art. 9 of the Regulation, resulting in a violation of the basic principles applicable to the processing and, in particular, those referred to in art. 5, lett. a), of the same Regulation.

In this context, taking into consideration, in any case, that the conduct has exhausted its effects on the basis of the statements made by the business consultant of the company of natural supplements to the lawyer of Dr. Mazzoli on 25 November 2020, the conditions are not met for the adoption of the corrective measures pursuant to art. 58, par. 2, of the Regulation.

6. Adoption of the injunction order for the application of the pecuniary administrative sanction and ancillary sanctions (articles

58, par. 2, lett. I and 83 of the Regulation; art. 166, paragraph 7, of the Code).

The violation of articles 5, par. 1, lett. a) and 9 of the Regulations, caused by the conduct put in place by Dr. Mazzoli, is subject to the application of a pecuniary administrative sanction pursuant to art. 83, paragraph 5, lett. a) of the Regulations.

It should be considered that the Guarantor, pursuant to art. 58, par. 2, lett. i) and 83 of the Regulations, as well as art. 166 of the Code, has the power to "inflict an administrative pecuniary sanction pursuant to Article 83, in addition to the [other] [corrective] measures referred to in this paragraph, or instead of such measures, depending on the circumstances of each single case "and, in this context," the College [of the Guarantor] adopts the injunction order, with which it also disposes with regard to the application of the ancillary administrative sanction of its publication, in whole or in excerpt, on the website of the Guarantor pursuant to Article 166, paragraph 7, of the Code "(Article 16, paragraph 1, of the Guarantor Regulation no. 1/2019).

The aforementioned administrative fine imposed, depending on the circumstances of each individual case, must be determined in the amount taking into account the principles of effectiveness, proportionality and dissuasiveness, indicated in art. 83, par. 1, of the Regulation, in light of the elements provided for in art. 85, par. 2, of the Regulation in relation to which it is noted that:

- the communication made by the doctor, data controller as a natural person, involved only one recipient and concerned data suitable for detecting personal information and the health of a single patient (Article 83, paragraph 2, letters a) and g) of the Regulation);
- Dr. Mazzoli has shown a particularly cooperative behavior with the Authority during the investigation and this proceeding (Article 83, paragraph 2, letter f) of the Regulations);
- no further reports or complaints have been received with respect to the conduct that is the subject of this proceeding (Article 83, paragraph 2, letter h) of the Regulations);
- no measures concerning pertinent violations have previously been adopted against the same doctor (Article 83, paragraph 2, letter e) of the Regulations).

Due to the aforementioned elements, assessed as a whole, it is believed to determine the amount of the pecuniary sanction provided for by art. 83, par. 5, lett. a) of the Regulations, to the extent of € 2,000.00 (two thousand) for the violation of Articles 5, par. 1, lett. a) and 9 of the Regulation as a pecuniary administrative sanction, pursuant to art. 83, par. 1, of the Regulation, effective, proportionate and dissuasive.

It is also believed that the ancillary sanction of the publication on the website of the Guarantor of this provision, provided for by

art. 166, paragraph 7 of the Code and art. 16 of the Guarantor Regulation n. 1/2019.

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

WHEREAS, THE GUARANTOR

declares the unlawfulness of the processing of personal data carried out by Dr. Mazzoli, born in XX on XX, C.F. XX, domiciled at the office of Avv. XX, with study in XX, XX (PEC: XX), for the violation of art. 5, par. 1, lett. a) and 9 of the Regulations in the terms set out in the motivation;

ORDER

pursuant to art. 58, par. 2, lett. i) and 83 of the Regulations, as well as art. 166 of the Code, to Dr. Manuela Mazzoli, to pay the sum of € 2,000.00 (two thousand) as a pecuniary administrative sanction for the violations indicated in this provision, according to the methods indicated in the annex, within 30 days of notification in motivation; 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 sanction imposed.

INJUNCES

to the aforementioned doctor, in the event of failure to settle the dispute pursuant to art. 166, paragraph 8, of the Code, to pay the sum of € 2,000.00 (two thousand) according to the methods indicated in the annex, within 30 days of notification of this provision, under penalty of the adoption of the consequent executive acts pursuant to art. 27 of the law n. 689/1981.

HAS

pursuant to art. 166, paragraph 7, of the Code, the full publication of this provision on the website of the Guarantor and believes that the conditions set out in art. 17 of Regulation no. 1/2019 concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor.

Pursuant to art. 78 of the Regulation, of art. 152 of the Code and 10 of Legislative Decree no. 150/2011, against this provision, it is possible to appeal before the ordinary judicial authority, under penalty of inadmissibility, within thirty days from the date of communication of the provision itself or within sixty days if the applicant resides abroad.

Rome, 29 September 2021

PRESIDENT

Stanzione

THE RAPPORTEUR

Ghiglia

THE SECRETARY GENERAL

Mattei