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Provision of April 13, 2023

Register of measures

no. 130 of 13 April 2023

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 (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");

HAVING REGARD to the application of 2 June 2021 containing at the same time the deed of complaint, presented pursuant to art. 77 of the Regulation, by Messrs. XX, XX, XX, XX, XX, XX, XX, XX, XX, XX and XX, as well as the report of the Italian Federation of Port Pilots made, like the aforementioned complaint, against Unione Piloti;

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. Geneva Cerrina Feroni;

WHEREAS

1. The complaint and the preliminary investigation.

With a deed of complaint dated June 2, 2021, Messrs. XX, XX, XX, XX, XX, XX, XX, XX, XX, XX and XX (in this case Mr. XX, "on his own behalf and as Mayor of Fedepiloti", Mr. XX, "on his own and in his capacity as Director of Fedepiloti" and all the other claimants "on their own behalf and in their capacity as Advisors of Fedepiloti"), represented by Atty. XX (just power of attorney at the bottom of the same), have complained about alleged violations of the Regulations, by Unione Piloti (hereinafter "U.P."), regarding the processing of personal data concerning them.

The Italian Federation of Port Pilots (hereinafter "Fedepiloti"), in the person of its pro tempore legal representative, the President, Mr. XX, reported similar alleged violations by the aforementioned Association with regard to the treatment of personal data relating to the members of the aforementioned Federation (in particular those concerning the pilots XX, XX, XX, X, XX, XX, XX, XX, XX, FXX, XX, XX, XX, XX, XX, XX,XX, XX, XX , XX, XX, XX, XX, XX, XX, XX, XX, XX, XX, XX and XX).

In particular, it has been represented that U.P. has sent "repeatedly (...) from the email address info@unipiloti.it" communications to the aforementioned complainants and Fedepiloti members "at their personal email addresses" and that the contacts in question have been reported "unencrypted and as such [i] visible [i] to all other recipients" of the aforementioned communications.

In the same deed it was pointed out that "the members of Fedepiloti and the plaintiffs on their own in whose interest this action is addressed", holders of these e-mail addresses, do not appear to be "members of the U.P." and in any case they would not have "given any consent for the processing of their personal data" by the latter (see request of 2 June 2021, page 2 and related annexes nos. 1-5 containing the latest communications, subject of dispute , received in chronological order in the period between August 2020 and May 2021).

During the preliminary investigation, initiated by the Guarantor with a note sent on August 16, 2021, the Office therefore asked the aforementioned Association to provide information on the disputed facts, in order to acquire useful elements of evaluation with respect to what was raised by the applicants in the document in question. This with particular reference to some specific profiles of the treatment, carried out by U.P. in the present case, concerning the purposes and the conditions of lawfulness of the same, the origin of the contact data of the interested parties used for the purpose of sending the communications in question, as well as the further fulfilments put in place by the Association in this context.

On this point, U.P. it limited itself to declaring that the disputed communications contained "e-mail addresses of pilots who carry out piloting activities in ports and who have never requested the cancellation of their data from the Pilots Union". The same has also generically pointed out "that the Pilots Union needs for institutional purposes to contact the pilots of the Pilot Corporations of the Ports of Italy as the same also participates in the ministerial investigation aimed at the formation of the training mechanisms of the piloting service tariffs, taking into account that art. 14 paragraph 1 bis of law 84/94 and subsequent amendments and additions", from which it follows that "Unione Piloti is required to protect the tariffs for piloting services in the interest of all pilots, even those who are not members and, consequently , to contact them if necessary" (see note of 15

October 2021, pages 3 and 4).

Due to the partial response provided by U.P. to the aforementioned communication, on 31 January 2022 and 14 October 2022, the Office formulated two further requests for additions (also of a documentary nature), to which the data controller replied with notes dated 15 February 2022 and respectively of 29 October 2022, providing at the same time a copy of the Articles of Association and the Statute of U.P., as well as the "Unione Piloti Privacy information model Legislative Decree 196/2003 adopted on a date prior to Reg. 679/2016".

In the face of these communications, the following was ascertained:

- regarding the renewal by the Office of the request to provide elements regarding the profiles of the processing already indicated with the note sent on 16 August 2021 (see above), U.P. reiterated what was represented, with a note dated October 15, 2021, not bringing forward further supplementary elements in this regard (see note dated February 15, 2022, pages 4-5 which contains the same statements made at the time to the Authority by PU as above verbatim reported);
- as regards the request aimed at knowing the position (or otherwise) of former members of the PU, possibly covered by the interested recipients of the aforementioned communications, raised by the Office on the basis of what was stated above in relation to the circumstance that the e-mail addresses in question concern "pilots who carry out piloting activities in ports and who have never requested the cancellation of their data to the Pilots Union" (see above), U.P. declared that "among the Pilots contacted" those who "have joined the Pilots Union in the past [...] and have never requested the deletion of their data" are Mr. XXe and Ms. XX. In this regard, U.P. he highlighted that the latter are "aware that their e-mail address is kept by the Unione Piloti having at the time authorized the same to keep the aforementioned data" (see note of 15 February 2022, pp. 3-4 and note of 29 October 2022, page 4).

Lastly, it should be noted that, with a note dated 17 July 2022, the applicants sent a copy, on the indication of this Authority (see note dated 21 June 2022), of the Memorandum of Association and the Articles of Association of Fedepiloti, also specifying at the same time that "Fedepiloti is not aware (...) of its members who have previously belonged to the Unione Piloti trade association" as this data is not required at the time of membership registration "as can be easily obtained from the form [ also attached to the aforementioned communication] which the pilot must sign when registering with Fedepiloti" (see note of 17 July 2022, pages 1 and 2 and related annexes, including attachment 3 containing "Registration form to Fedepiloti").

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

On 15 November 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, letters a) and f), as well as in relation to art. 6, par. 1, lit. a) of the same.

With the communication of December 15, 2022 and the subsequent supplementary note of March 8, 2023, U.P. sent its defense writings in which it did not provide any further written deductions and/or documents with respect to what was claimed, as reported above, in the notes of October 15, 2021, February 15, 2022 and October 29, 2022.

Indeed, the Association itself limited itself to representing that:

"the circumstance that the complaint (...) had already been transmitted p.c. is false to the Pilots Union by Avv. XX" and that for this reason "no communication and/or complaint has ever been received from pilots and members of the ITALIAN FEDERATION OF PORT PILOTS (...) before the communication from the Guarantor for the protection of personal data of 16 August 2021 "; therefore U.P. he "learned of the content of the complaint only following the communication of the Guarantor (...) Prot. 42415 of 08.16.2019" (see note of December 15, 2022, pages 1-2 and note of March 8, 2023, pages 1 -2);

"Only a few names of Fedepiloti associates have given a mandate to Avv. XX to proceed with the (...) notification, unlike what he declared" and that all the pilots contacted by the same, i.e. "in particular the pilots XXe, XX, XX, XX, X and XX (...), denied to have never given any mandate nor to the lawyer XX, nor to Fedepiloti for the complaint pursuant to art. 77 of Regulation (EU) 2016/679 and articles from 140-bis to 143 of the Personal Data Protection Code promoted by Fedepiloti against the U.P." (see note of 15 December 2022, pp. 2-3 and note of 8 March 2023, pp. 2-4);

"the same Avv. XX with e-mail dated 11.29.2022" also communicated that "Ms. XX, indicated among the subscribers whose e-mail address was unduly used and disclosed by U.P., expressed her dissent to the initiative taken by Fedepiloti before the GPDP, and much will have to be taken into account for the purposes of the decision" (see note of 8 March 2023, page 3).

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

Preliminarily, given what was raised by U.P. in the defense briefs, it is worth making some clarifications regarding the legal nature of the deed of 2 June 2021 indicated in the introduction, from which the proceeding originated; all this in the light of the powers and duties attributed to the Guarantor by current legislation (Regulation and Code and Regulation no. 1/2019 concerning internal procedures having external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor, of hereinafter "reg. int. n. 1/2019").

In highlighting first of all that, for the purposes of this decision, the circumstance that the aforementioned deed was received at

the time by U.P. only through the Authority − since the latter is indeed, as explained below, the subject appointed to receive it and to evaluate the start of the preliminary investigation −, it should be noted, first of all, that on the basis of the aforementioned legislation, it is foreseen that anyone can contact the Guarantor, through a report (see art. 19 of the int. reg. n. 1/2019) or by submitting a complaint (see art. 8 of the int. reg. n. 1/ 2019), in order to request a check on the lawfulness of personal data processing.

While the complaint, governed by article 77 of Regulation (EU) 2016/679 and by articles 140-bis to 143 of the Code, allows the interested party to represent to the Authority specific violations of the relevant legislation on the protection of personal data, with respect to the information concerning him (cf. art. 8, paragraph 1 of the int. reg. n. 1/0129), the reporting, referred to in article 144 of the Code, is instead an act aimed "at request a check by the Guarantor on the relevant regulations regarding the processing of personal data" (art. 19, paragraph 1 of the internal regulation n. 1/2019), regardless of the involvement of the interested party in the processing.

From a purely formal point of view, the complaint can be signed directly by the interested party or, on his behalf, by a lawyer, attorney, body, organization or non-profit association which has been granted power of attorney in this sense (Article 142 of the Code).

Conversely, for the purposes of submitting a report to the Authority, there are no particular formal constraints. The whistleblower (who can also be an unidentified subject and not necessarily the interested party) can limit himself to providing all the elements in his possession in relation to one or more relevant violations that are presumed to have been committed with regard to a treatment of personal data and "that the Guarantor may also evaluate for the purpose of issuing the provisions referred to in article 58 of the Regulation" (art. 144 of the Code).

Lastly, it is worth highlighting that the measures referred to in Article 58 of the Regulation can also be adopted ex officio by the Authority.

This is also confirmed by the jurisprudence which, albeit with reference to the legal framework prior to the current one (but substantially overlapping), has highlighted "the clear provision of the unofficial power of the Guarantor for the protection of personal data, so that the thesis [...] according to which, in order to activate the power of assessment and the consequent power of sanctions, a complaint or a report from the interested party is necessary and which, in the presence of a report from a third party, is precluded to the Guarantor from exercising its official powers is completely dismissed of foundation" (Cass. Civil

Section 2, Ordinance of 17 December 2021, n. 40635).

Starting from the regulatory framework outlined above, the request presented in the case in question against U.P., as already noted in the deed of notification pursuant to art. 166, paragraph 5, of the Code of 15 November 2022, has therefore been evaluated by this Office as an act of complaint, pursuant to art. 77 of the Regulations, in relation to what is represented by the lawyer. XX, on the basis of the power of attorney (see attachment no. 6 of the request of 2 June 2021 containing the "Power of attorney for litigation") issued for this purpose by Messrs. XX, XX, XX, XX, XX, XX, XX, XX, XX, XXi and XX, regarding the processing of data concerning them (in this case those relating to their e-mail addresses); as well as as a report, with respect to what was advanced, in the same deed by Fedepiloti, in the person of your pro tempore legal representative, the President Mr. XX (again through the intermediary of Attorney XX, see attachment no. 6 cit.), on the treatment concerning the data relating to some members of Fedepiloti, who are also recipients of the communications subject to dispute.

Without prejudice to what has been clarified regarding the nature of the deed in question, with specific reference to the legislation on the protection of personal data and the violations ascertained by this Office in the context of the proceeding, it is first of all represented 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, on the basis of the elements in the records (see above, paragraphs 1 and 2), as well as the subsequent assessments carried out by this Department in this regard, that this Association has unlawfully processed the personal data of the complainants and those relating to the aforementioned members of Fedepiloti.

All this because the aforementioned treatment, as more fully explained below, was put in place in contrast with the general principles of lawfulness pursuant to art. 5, par. 1, letters a) and f) of the Regulation, as well as in art. 6, par. 1, lit. a) of the Regulation.

In this regard, it should firstly be recalled that the e-mail address of a natural person, even if it does not include the data subject's name in full, constitutes "personal data" pursuant to the relevant legislation (Article 4, no. 1 of the Regulations; see also WP 136- "Opinion 4/2007 on the concept of personal data" of the Group pursuant to art. 29 of June 20, 2007, as well as

Provisions of the Guarantor of June 25, 2002, web doc. n. 29864, of 31 July 2002, web doc. No. 1065798, of 24 June 2003, web doc. No. 1132562, and most recently the Provision of the Guarantor of 4 July 2013, web doc. No. 2542348; see also Civil Court Section 2 , Ordinance of 5 July 2018, n. 17665).

Pursuant to art. 4, no. 1 of the Regulation constitutes, in fact, "personal data" "any information concerning an identified or identifiable natural person ("interested party")", where "the natural person is considered identifiable who can be identified, directly or indirectly, with particular reference to an identifier such as a name, an identification number, location data, an online identifier or one or more characteristic elements of its physical, physiological, genetic, psychic, economic, cultural or social identity".

It should also be noted that the processing of personal data carried out by a data controller must be carried out in compliance with Chapter II of the Regulation, which requires compliance, among other things, with the principles set forth in art. 5, par. 1, of the Regulation and of the conditions of lawfulness pursuant to art. 6, par. 1 of the Regulation. The aforementioned art. 5, par. 1, in particular, establishes that personal data must be processed "in a lawful, correct and transparent manner in relation to the interested party" (so-called principle of lawfulness, correctness and transparency, see letter a), as well as "in such a way as to guarantee adequate security of personal data, including protection, through appropriate technical and organizational measures, from unauthorized or unlawful processing and from accidental loss, destruction or damage" (so-called principle of integrity and confidentiality, see letter f) .

The provision referred to in the aforementioned art. 6, par. 1, also establishes that the processing of personal data is lawful only if and to the extent that at least one of the conditions of lawfulness indicated therein is met (see also Rec. 40 of the Regulation), including the consent given by the interested party with respect to one or more specific purposes (art. 6, paragraph 1, letter a) and art. 7 of the Regulation) or the so-called "legitimate interest" of the data controller or of a third party provided that the interests or fundamental rights and freedoms of the data subject who require the protection of personal data do not prevail (Article 6, paragraph 1, letter f) of the Regulation ).

Having clarified this with regard to the personal nature of the data consisting of an e-mail address and the general principles that apply if the same is subject to processing, it is represented that the unlawful conduct, in this case, refers to the collection (and to subsequent processing) of the contact details of the complainants and those relating to the additional subjects indicated in the introduction, such as pilots adhering to Fedepiloti, as well as the communication of such data to third parties,

by U.P., due to the "cumulative" use and "in the clear", by sending the disputed communications to the respective e-mail addresses indicated therein.

In particular, the objections made by the petitioners appear to highlight the successful delivery, to a plurality of Fedepiloti subscribers and to other individuals who hold positions of various kinds within the latter, of messages of various content, mostly of an informative nature in relation to initiatives taken by the same in the context of carrying out its trade union activity. These messages − which on the basis of the documentation in the file would appear to have involved a large number (about 150) of third parties, considering the multiple recipients contained in the mailing lists − would have been forwarded by U.P. to the applicants by e-mail, at least, taking into account the documentary evidence produced in this regard by the latter, in the number of five different communications in a period between 20 August 2020 and 18 May 2021.

On this point, it should be noted that following the preliminary investigation carried out by the Office, it was not possible to find out what the conditions of legitimacy and purposes of the aforementioned processing activity are, nor how the contact details of the complainants and members of the Federation.

In fact, the data controller has not provided an adequate response to the requests made to this effect, on several occasions, by the Office with the notes dated 16 August 2021, 31 January 2022 and 14 October 2022 concerning these specific aspects, nor has it presented any written and/or documentary deduction on the point in the defense briefs, as provided for by art. 13 of the reg. int. no. 1/2019.

In this regard, it is emphasized that the controller must "be able to demonstrate the compliance of the processing activities with the [...] regulation, including the effectiveness of the measures" adopted by the same (Cons. 74 of the Regulation). The same, indeed, on the basis of the provisions of art. 5, par. 2 of the Regulation, not only is he required to respect the principles of data protection, but he is also required to demonstrate this to the Authority, in the event of control (so-called accountability principle).

Therefore, in consideration of the fact that, in the absence of the aforementioned elements, the transmission of the disputed communications to the e-mail addresses of the aforementioned recipients appears to have taken place in the absence of the latter's prior consent to the use of such data ( or in any case in the absence of another suitable legal basis provided for by Article 6, paragraph 1 of the Regulation), the processing by U.P. must be considered illicit as it was implemented in violation of art. 5, letter. a) and of the art. 6, par. 1, lit. a) of the Regulation.

Starting from the regulatory framework referred to above, the method of delivery, chosen by this Association, of the disputed e-mail messages does not comply with the principles and provisions set out therein.

It is worth highlighting that the transmission of the same did not take place in an individualized form - the latter measure aimed at preventing, as already established by the Guarantor in previous rulings, an undue communication of personal data to subjects other than the individual recipient (see, in this sense, Provision of the Guarantor of 30 November 2005, web doc. No. 1213644 and Provision of 26 November 2006, web doc. No. 1364099; Provision of 18 May 2006, web doc. No. 1297626)−, but by sending a single to a multiple and undifferentiated number of data subjects whose personal data (in this case, e-mail addresses) are clearly visible.

The occurrence of the aforementioned circumstance effectively entailed, and in the absence of any regulatory prerequisite, the reciprocal communication of the e-mail addresses of all the recipients involved in the disputed e-mails, including the applicants.

Therefore, taking into account that this communication of personal data to third parties was carried out in the absence of the consent of the latter (or in any case in the absence of another suitable prerequisite of lawfulness) and that the holder did not adopt appropriate measures to prevent the knowledge of the data by the various recipients of the messages (for example, in the case of sending to multiple recipients of the same communication via e-mail, using the so-called hidden carbon copy function; see, in this sense, Provision of 4 July 2013, web doc. No. 2542348 mentioned above and Provision of 9 January 2020, web doc. No. 9261234) the conduct of the Association was implemented in violation of art. 6, par. 1, lit. a) of the Regulation and in contrast with the aforementioned principles of lawfulness and integrity and confidentiality pursuant to art. 5, par. 1, letters a) and f) of the Regulation.

Lastly, in consideration of what has just been highlighted, it is represented that it cannot be relevant, in the present case, the circumstance noted above concerning the previous membership of Mr. XX and Ms. XX to the PU, as well as the fact that the themselves have "never requested the deletion of their data" and that Ms XX has expressed, during the proceedings, her disagreement with the initiative taken by Fedepiloti (see above, paragraphs 1 and 2).

Although, in fact, the processing of data relating to the aforementioned pilots by U.P. could find its foundation, in the face of this alleged circumstance, in the so-called legitimate interest of the Association to continue to carry out - within the scope of its legitimate activities and with adequate guarantees and on condition that the data are not disclosed or communicated externally - processing operations which also concern the data of former members of the same (see in this sense art. 6, paragraph 1,

letter f) of the Regulation and, with reference to particular categories of data, art. 9, par. 2, lit. d) of the Regulation; see, also in this regard, the Explanatory Report accompanying the outline of Legislative Decree no. 101/2018, p. 3), the conduct held by U.P., the subject of reporting by Fedepiloti, is in any case illegal, due to the fact that the communication of personal data relating to Mr. XX and Ms. XX did not take place, as above widely explicitly, within the membership structure, but in fact also "outside" of the same and in the absence of their consent (or in any case of another suitable prerequisite for the lawfulness of the processing).

In the light of what is represented as a whole, it follows that the violation by U.P. of the art. 5, par. 1, letters a) and f) of the Regulation, as well as art. 6, par. 1, lit. a) 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 reg. int. no. 1/2019.

The processing of personal data carried out by the U.P. it is therefore unlawful, in the terms indicated above, in relation to art. 5, par. 1, letters a) and f) of the Regulation, as well as art. 6, par. 1, lit. a) of the Regulation.

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.

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:

in relation to the nature, gravity and duration of the violation, the nature of the violation was considered relevant, which concerned the general principles of processing and the provisions relating to the conditions of legitimacy, as well as the seriousness of the same given the number of interested parties and third-party recipients involved in the communications object of the dispute and its recurrence considering that the conduct has been repeated over time (Article 83, paragraph 2, letter a) of the Regulation);

with reference to the intentional or negligent nature of the violation, the conduct of the Association was considered to be of a negligent nature (Article 83, paragraph 2, letter b) of the Regulation);

the fact that there are no previous violations committed by the data controller or previous provisions pursuant to art. 58 of the Regulation (art. 83, paragraph 2, letter e) of the Regulation);

the circumstance that the personal data affected by the violation (art. 83, paragraph 2, letter g) of the Regulation), do not fall within the category of particular data referred to in art. 9 of the Regulation.

Furthermore, it is believed that it assumes relevance, in the present case, in consideration of the aforementioned principles of effectiveness, proportionality and dissuasiveness (Article 83, paragraph 1, of the Regulation) with which the Authority must comply in determining the amount of the sanction, the fact that the offender is a non-profit association.

Based on the aforementioned elements, evaluated as a whole, it is decided to determine the amount of the pecuniary sanction in the amount of 4000 (four thousand) euros for the violation of art. 5, par. 1, letters a) and f) of the Regulation, as well as in art. 6, par. 1, lit. a) of the Regulation.

In this context, it is also considered, in consideration of the type of violations ascertained that concerned the general principles and the conditions of legitimacy of the processing that pursuant to art. 166, paragraph 7, of the Code and of the art. 16, paragraph 1, of the reg. int. no. 1/2019, this provision must be published on the Guarantor's website.

Finally, it is believed that the conditions set forth in art. 17 of the reg. int. 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, letters a) and f) and 83, of the Regulation, the illegality of the processing carried out by Unione Piloti, with registered office in Venice, Santa Croce 468/B, Tax Code: 94073980271, in the terms set out in the justification, for the violation of the 'art. 5, par. 1, letters a) and f) of the Regulation, as well as art. 6, par. 1, lit. a) of the Regulation;

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

pursuant to art. 58, par. 2, lit. i) of the Regulation to the same Unione Piloti, to pay the sum of 4,000 (four thousand) euros as an administrative fine for the violations indicated in this provision.

ENJOYS

therefore to Unione Piloti to pay the aforementioned sum of 4,000 (four thousand) euros, 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. 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

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 Regulation no. 1/2019 concerning internal procedures having external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor 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, 13 April 2023

PRESIDENT

station

THE SPEAKER

Cerrina Feroni

THE SECRETARY GENERAL

Matthew