[doc. web n. 9691011]

Injunction order against the Sienese university hospital - 8 July 2021

Record of measures

n. 264 of 8 July 2021

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, which was attended by prof. Pasquale Stazione, 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");

HAVING REGARD to the "Provision containing the provisions relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 "n. 146 of 5 June 2019, published in the Official Gazette n. 176 of 29 July 2019 and available at www.gpdp.it, doc. web n. 9124510;

GIVEN the documentation in the deeds;

HAVING REGARD to 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 prof. Pasquale Station;

WHEREAS

1. The violation of personal data and the investigation activity.

The Sienese University Hospital (hereinafter "Company") notified the Authority of three personal data violations, pursuant to art. 33 of the Regulation, concerning:

a) the sending, by material error, to the parents of a minor, who reported the affair, together with the medical record of the same minor, of a health report relating to third parties (a minor patient and his parents) having the same surname of the interested party; the aforementioned report also contained genetic data. According to what was stated in the aforementioned notification, in order to remedy the violation and reduce its negative effects, the whistleblowers were informed that, despite the incorrect insertion of the irrelevant document, the health documentation they requested was complete. The Company also declared that it regained possession of the report incorrectly entered in the medical record delivered to the whistleblowers. In order to prevent the repetition of similar violations, the Company has represented that it has implemented technical and organizational measures, and, in particular, that it has provided for random checks to be carried out by the Medical Records Office on copies of the records requested by patients. (note of the XX);

b) the erroneous insertion, within an envelope, containing the CD relating to a diagnostic test carried out by a patient, of a report referring to another subject. The Company, in particular, stated that "the violation was resolved in a minimum period of time, as Mrs. XX immediately returned the report referring to another person to the Secretariat of the Diagnostic Imaging UOC and was able to simultaneously withdraw your paper report ". The intention was also declared to "outsource the front-office / CUP service in order to have uniform procedures in the patient acceptance phase and greater control over back-office activities"; in the meantime, "instructions and instructions have been provided to the operators in charge of carrying out a second step of control for the packaging of the reports / CD, providing that each operator affixes his own initials during the packaging phase and in the subsequent control phase, on the work "(note of the XX);

c) the delivery, at the request of the interested party, of the paper copy of the hospital medical record to which was attached,

"due to a material error in the composition of the paper document, also the health documentation of Mr. YY, a patient hospitalized in the same ward". In relation to this breach of personal data, the Company stated that "no IT structures are involved", the medical record in question was printed correctly by the Medical Records Office and that it "immediately carried out the internal checks necessary to evaluate the 'happened and [to have taken] promptly the actions aimed at the cessation of the negative effects of the violation for the person concerned and for the delivery of the correct medical record to the applicant "(note of XX). With a note dated XX (prot.n.XX), the Company responded to the request for information of the Office (note of XX, prot. , in particular, that:

the medical records relating to the patients involved in the affair were correctly established and did not contain documents extraneous to the legitimate interested parties; "Therefore the material error occurred when the two records were printed and reassembled at the Clinical Records Office";

"Specific instructions have been provided to the persons in charge of managing the requests for medical records, (...) formalized again to all the persons in charge on XX, (...) as well as to the persons in charge hired after that date and assigned to the medical records office" .

"Since 2019 a control" check list "has been introduced that accompanies the folder in the various steps that precede sending to the user";

after having received the report, specific actions were immediately implemented aimed at the cessation of the negative effects of the violation for the interested party. In particular, the withdrawal of the incorrectly delivered medical record was ordered; audits were carried out and corrective actions identified such as the revision of the "Operating Instruction" for the duplication of the medical record; the revision of the control checklist shared with the operators, to accompany the duplication process of these documents at each stage.

With specific reference to the violations represented above, the Office, with a note of the XX (prot. No. XX), in arranging the meeting of the investigative proceedings relating to the violations referred to in the previous letters a) and b), concerning similar cases, notified the Company, pursuant to art. 166, paragraph 5, of the Code, the initiation of the procedure for the adoption of the measures referred to in art. 58, par. 2, of the Regulations, inviting the aforementioned owner 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, with reference to the cases described in the previous letters a) and b), found that, on the basis of the elements in the documents and the related assessments, the Company carried out - by delivering a health report to third parties, containing data on health and genetic data, a communication of particular categories of data of the interested parties in the absence of a suitable legal basis and, therefore, in violation, in both cases, of the basic principles of the processing referred to in art. 5, par. 1, lett. a) and f) and 9 of the Regulation and, for the case represented in the violation of personal data referred to in lett. a), also of point 4.6 of the "Provision containing the requirements relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 "(no. 146 of 5 June 2019, published in Official Gazette no. 176 of 29 July 2019 and available at www.gpdp.it, web doc. 9124510).

With a subsequent note of the XX (prot. No. XX), the Office, in relation to the violation of personal data referred to in the previous letter c), notified the Company, pursuant to art. 166, paragraph 5, of the Code, the initiation of a new procedure, for the adoption of the measures referred to in art. 58, par. 2, of the Regulation, inviting the Company 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 above Code; as well as Article 18, paragraph 1, of the law no. 689 of 11/24/1981 cit.).

In particular, the Office ascertained, on the basis of the elements acquired and the facts that emerged as a result of the investigation, as well as subsequent evaluations, that the another patient made a communication of health data in the absence of a suitable legal basis. This, in violation of the basic principles of the processing referred to in art. 5, par. 1 letter a) and f), 9 of the Regulations, as well as art. 75 of the Code and art. 32, par. 1, lett. b) of the Regulations, as the technical and organizational measures were found to be unsuitable for guaranteeing an adequate level of confidentiality and integrity to the health data of the assistants.

With a note of the twentieth, the Company sent its defense briefs, in relation to the violations referred to in the aforementioned letters a) and b) in which it was represented, in particular, that:

in relation to the communication referred to in lett. a) "it clearly emerges that the incorrect insertion of the report in the medical record was determined by a mere human error, caused not only by the identical surnames of the young patients (X, but also by the identicality of the initials name and surname of the father of the minor referred to in the report (XY with that of the minor holder of the medical record (XZ); this also for the purposes of the evaluation pursuant to art. 83 par. 2, lett. K) of the Regulations ";" probably the staff of the Child Neuropsychiatry Unit , received the report addressed to the "Xc / oXY Family"

(father of the minor), entered it in the medical record of the minor XZ). " From the reading of the reports drawn up at XX and XX and "from the sample examination carried out on some medical records, some critical issues emerged regarding the correct keeping and / or compilation of the same (by way of example, the absence of the so-called pain card, problems related to compilation of the informed consent form, etc.) but, in none of them, was the inclusion of a document relating to another patient. (....) At the same time, the UOSA Governance of appropriateness, information flows and medical records carries out timely checks on medical records requested by users, before sending, in order to verify the correctness of the entire document ";

in relation to the communication referred to in lett. b), "the error was determined exclusively by the behavior of the operator assigned to the so-called envelope which, precisely in the material phase of inserting the documents in the relative envelope, inserted with reference to the examination carried out by Ms (XY). the correct CD and the wrong report belonging to Ms (ZK). "; "Ms XY. she noticed the error when she was still inside the hospital and immediately returned to the same Secretariat to report the incident. The assistant collected the report belonging to another patient and delivered it to Ms. XY. the correct one; the violation therefore took place and ended in a very short period of time "; "In the present case, as a further reason for conduct, to be assessed pursuant to art. 83 par, 2, lett. K, cannot fail to take into account the Covid-19 emergency persisting throughout the country "as well as" the reduction of staff for the compulsory use of summer holidays "; "It should also be noted that the examinations of the two patients concerned were both carried out on XX, it was treated in the same type of examination made for both outpatient, carried out by the same operator, reported by the same health professional"; "From the checks carried out (...) it emerged that following the error in question, all patients (equal to 70 units) who had carried out an examination at the same department and whose reports had been processed at the same time as those of the sir XY. and ZK., it emerged that 66 patients received the correct report / CD pairing, 1 patient, although contacted repeatedly, was not found and 3 patients were unable to report because they do not yet have the report. In retrospect, the Company has not received any reports "; "The activity of the OUC Diagnostics for Imaging Secretariat was (...) reorganized and a front-office desk was set up in September, managed by external staff, separated from the back-office office managed by internal staff with redefinition of activities between such as those for printing reports and CDs. From the twentieth century, the reorganization of the UOC Neuroimimages Secretariat was extended "; "The director of the Diagnostic Imaging Unit (...) also specified, confirming the accidental and unpredictable nature of what happened, that the secretariat in question, on average, packs and ships about 117

reports every day"; "In the present cases, despite the accidental and non-voluntary errors that have occurred, it cannot fail to be taken into account that healthcare companies represent one of the most complex organic systems and the" accidents "that can occur within them are unfortunately the result of the interaction between multiple components that can be of different types: technological, human, organizational, system, etc. and which unfortunately can sometimes escape even the most accurate control "; "Pursuant to art. 83, par. 2, lett. b) of the Regulations ... and as such excusable; (...) according to the constant jurisprudential orientation, in order to ascertain the responsibility of the Public Administration, a penetrating investigation must be carried out, not limited only to ascertaining the illegality of the provision, but extended to the assessment of the fault, not only of the acting official, but of the P.A. understood as a whole ".

With a note of the XX (prot. No. XX), the Company sent its defense writings relating to the violation of personal data referred to in the aforementioned letter c), in which, after a synthetic reconstruction of the events that occurred, he represented:

having become aware of the violation on XX following a report by Mr. XX;

having promptly activated "to reconstruct the progress of the events" and that "the files containing the medical records of Messrs. XX and YY, which can be consulted on the web platform made available by the company awarded the archiving service, did not contain any irrelevant documents";

having contacted “Mr. XX [with whom] the collection of the documentation [erroneously] delivered was agreed for the following day”;

having sent “On XX, communication to Mr. YY pursuant to art. 34 of the European Reg. 2016/679, apologizing for the loss of confidentiality of personal data ".

The Company, in its defense briefs, has also provided the elements referred to in art. 83, par. 2 of the Regulations. In particular, it was declared that:

"The wrong delivery to Mr. YY of a medical record that does not belong to him, was determined by a mere human error in the final phase of the process, when the medical record is printed and recomposed by the operator before shipment". (…). This is because “in all likelihood [the aforementioned medical records were] printed in sequence” as they refer to the same ward and therefore with similar characteristics;

"In any case, it must be excluded that the loss of confidentiality originated prior to the delivery of the document to Mr. XX, thus involving further subjects, given that the archiving in digital format was found to be correct";

it was a negligent event and “The intensity of the guilt that characterized the conduct can also be considered certainly slight, considering the circumstance referred to above (identity of the department) as capable of misleading the operator. It is also necessary to bear in mind the huge amount of work carried out by the Clinical Records Office, which (...), elaborated in the year 2020 n. 4341 medical records and in the first three months of 2021 n. 1169 medical records, with a monthly average of about 60,000 photocopied pages. In this context, the operators process extremely complex documents (…), made up, as is well known, of certifications from the various assistance departments that converge in a single final document ";

"According to the constant jurisprudential orientation for ascertaining the responsibility of the Public Administration, a penetrating investigation must be carried out, not limited only to ascertaining the illegality of the provision, but extended to the evaluation of the fault, not only of the official agent, but of the P.A. understood as a whole ";

“The Company immediately took action and within a few hours returned to possession of the documentation erroneously delivered, thus interrupting the continuation of the consequences. The communication was also made pursuant to art. 34 of the RGPD to the interested party Mr. YY who did not reply to the communication ".

The Company, in promptly describing the technical and organizational measures adopted in the process of issuing medical records and in requesting the filing of the procedure, also stated that:

“Since 2019 a control" check list "has been introduced that accompanies the folder in the various steps that precede sending it to the user. To facilitate the control procedures, the pages of the digital file are numbered progressively by the company entrusted with the archiving service ";

“Organized a 5-hour FAD course on privacy in 2016, also aimed at the staff of the Medical Records Office. Furthermore, from the 20th century, the course "The Protection of Personal Data in Health" organized in collaboration with the DPOs of the Health Authorities of the Tuscany Region ";

“Has adopted further measures aimed at minimizing the risks associated with the process. In this sense, on the XXth an internal audit was carried out with the personnel involved and the support of the company Clinical Risk Manager, during which the incident was analyzed in detail and the following corrective actions were identified: 1) revision of the Instruction Operational for the duplication of the medical record; the revision is aimed at detailing the various steps of the duplication process and specifying the controls in the various processing stages, in particular it was reiterated to proceed with the processing of individual folders separately, with double checks carried out by different operators respectively after printing and before signing

for compliance. The subsequent bagging phase is carried out in separate phases by two operators for the final control of the shipping data; 2) Review of the control checklist shared with the operators, to accompany the duplication process at every stage ".

Taking into account that this latest breach of personal data (letter c)) concerned the same object of the proceedings initiated following the notifications referred to in lett. a) and b) and that the data controller has represented, in the defense briefs relating to the aforementioned proceedings, the adoption of the same measures in order to avoid the repetition of episodes such as those covered by the aforementioned violation notifications, the Office has ordered the meeting of the three investigative proceedings, pursuant to art. 10, paragraph 4 of the aforementioned Regulation no. 1/2019, concerning internal procedures with external relevance, aimed at carrying out the tasks and exercising the powers delegated to the Guarantor (note of XX, prot. No. XX).

2. Outcome of the preliminary investigation.

Having taken note of what is represented by the Company in the documentation in deeds and in the defense briefs, it is noted that:

1. the information subject to the notifications concerns genetic data and data relating to health, which deserve greater protection since the context of their processing could create significant risks for fundamental rights and freedoms (Cons. No. 51 of the Regulation);

2. "personal data" means "any information concerning an identified or identifiable natural person (" interested party ")"; for "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"; for "genetic data" "personal data relating to the inherited or acquired genetic characteristics of a natural person that provide unique information on the physiology or health of that natural person, and which result in particular from the analysis of a biological sample of the natural person in question "(art. 4, par. 1, nos. 1, 13 and 15 of the Regulations);

3. information on the state of health can only be communicated to the interested party and can be communicated to third parties only on the basis of a suitable legal basis (Article 9 of the Regulation and Article 84 of the Code in conjunction with Article 22, paragraph 11, legislative decree 10 August 2018, n.101);

4. "the genetic data must be disclosed, as a rule, directly to the interested party or to persons other than the direct interested

party only on the basis of a written authorization from the latter, adopting all suitable means to prevent unauthorized knowledge by subjects also co-present. The communication in the hands of a delegate of the interested party is carried out in a closed envelope "(see point 4.6. Of the" Provision containing the provisions relating to the processing of particular categories of data, pursuant to Article 21, paragraph 1 of Legislative Decree no. lgs. 10 August 2018, n. 101 "n. 146 of 5 June 2019, published in Official Gazette n. 176 of 29 July 2019 and available at www.gpdp.it, web doc. n. 9124510);

5. the data controller is required to comply with the principles of data protection, including that of "integrity and confidentiality", according to which personal data must be "processed in such a way as to guarantee adequate security (...), including the protection, by means of adequate technical and organizational measures, from unauthorized or unlawful processing and from accidental loss, destruction or damage "(Article 5, paragraph 1, letter f) of the Regulation). The adequacy of these measures, aimed at ensuring the confidentiality and integrity of the data on a permanent basis, must be assessed by the data controller, with respect to the nature of the data, the object and purposes of the processing and the risk for the fundamental rights and freedoms of the data subjects (Article 32, paragraph 1, letter b) of the Regulation).

3. Conclusions.

In light of the aforementioned assessments, taking into account the statements made by the data controller 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, 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 aforementioned acts of initiation of the proceedings, however, none of the cases provided for by art. 11 of the Guarantor Regulation n. 1/2019.

In particular, the arguments put forward by the Company are not suitable for accepting the archiving requests formulated in the defense briefs. In fact, with reference to the error in which the authorized persons who carried out the processing operations in question allegedly made, it should be noted that according to consolidated jurisprudence (Cass. Civ. Section I of 21 February 1995 no. 1873; Cass. Civ. section II of March 13, 2006, no. 5426, Civil Cassation, section II, of April 6, 2011, no. 7885), for the purposes of applying art. 3 of the law n. 689/1981 it is necessary that good faith or error be based on a positive element, foreign to the agent and capable of determining in him the conviction of the lawfulness of his behavior (excusable error). This positive element must not be obvious to the agent with the use of ordinary diligence. In this case, the agent could have

diligently ascertained, through a more accurate check of the data, the correctness of the operations carried out when enveloping the medical records requested by the patients (violations referred to in letters b) and c)) or in occasion of the transmission of reports (violation referred to in letter a), thus avoiding communicating the aforementioned special categories of personal data to unauthorized subjects.

For these reasons, the unlawfulness of the processing of personal data carried out by the Sienese university hospital in the terms set out in the motivation, for the violation of Articles 5, par. 1, lett. a) and f), and 9, 32 of the Regulation as well as point 4.6. of the aforementioned "Provision containing the requirements relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 ".

In this context, considering, in any case, that the conduct has exhausted its effects and that suitable assurances have been provided by the data controller, who, in this regard, has implemented specific organizational and technical measures to avoid the repetition of the conduct disputed, the conditions for the adoption of the corrective measures pursuant to art. 58, par. 2, of the Regulation.

4. 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 f), 9, 32 of the Regulation and point 4.6. of the aforementioned "Provision containing the requirements relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 ", caused by the conduct put in place by the Company, is subject to the application of a pecuniary administrative sanction pursuant to art. 83, par. 4, a) and par. 5, lett. a) of the Regulations (see Article 21, paragraph 5, of Legislative Decree no. 101/2018).

Consider 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. 83, par. 2, of the Regulation in relation to which it is noted that:

- the Authority became aware of the events following the notifications of violation of personal data made by the same owner pursuant to art. 33 of the Regulations and that no reports or complaints have been received regarding the facts described above (Article 83, paragraph 2, letter h) of the Regulations);
- the treatments carried out by the Company subject to this provision concern overall data suitable for detecting information on the health of 5 interested parties and genetic data of 3 interested parties and that the violation lasted in general for a short period of time (Article 83, par. 2, letters a) and g) of the Regulation);
- the conduct put in place by the Company does not present elements of voluntariness in determining the events (Article 83, paragraph 2, letter b) of the Regulations);
- the Company promptly took charge of the problem that emerged in the three violations of personal data, which was followed by the identification of corrective and resolving solutions also in conjunction with the emergency period in which the owner operates (Article 5, paragraph 2 and art.83, par. 2, letters c) and d) of the Regulation);
- the data controller has demonstrated a high degree of cooperation (Article 83, paragraph 2, letter f) of the Regulation);
- in relation to the Company, in relation to a similar case, the sanctioning provision of January 27, 2021, n. 29 (Article 83, paragraph 2, letters e) and i) of the Regulations);
- in one case the violation was determined by the homonymy of the surnames of the interested parties (Article 83, paragraph 2, letter k) of the Regulation).

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 € 25,000 (twenty-five thousand) for the violation of Articles 5, par. 1, lett. a) and f), 9, 32 of the Regulation and point 4.6. of the aforementioned "Provision containing the requirements relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 ", in the terms referred to in the motivation, as an administrative pecuniary 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, also in consideration of the type of

personal data subject to unlawful processing and the numerous violations relating to the same conduct, which occurred over a short period of time.

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 the Sienese university hospital, for the violation of articles 5, par. 1, lett. a) and f), 9, 32 of the Regulation and point 4.6. of the aforementioned "Provision containing the requirements relating to the processing of particular categories of data, pursuant to art. 21, paragraph 1 of Legislative Decree 10 August 2018, n. 101 ", 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 the Sienese hospital-university company, with registered office in Strade delle Scotte, 14 - 53100, Siena - VAT number 00388300527, in the person of the pro-tempore legal representative, to pay the sum of 25,000 euros (twenty-five thousand) as a pecuniary administrative sanction for the violations indicated in this provision, according to the methods indicated in the annex, within 30 days from the notification of 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 Sienese hospital-university company, in the event of failure to settle the dispute pursuant to art. 166, paragraph 8, of the Code, to pay the sum of EUR 25,000 (twenty five 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, July 8, 2021

PRESIDENT

Stanzione

THE RAPPORTEUR

Stanzione

THE SECRETARY GENERAL

Mattei