



## PERSONAL DATA PROTECTION CODE

Legislative Decree no. 196 of 30 June 2003

### TITLE II – DATA SUBJECT’S RIGHTS

#### Section 7

##### (Right to Access Personal Data and Other Rights)

1. A data subject shall have the right to obtain confirmation as to whether or not personal data concerning him exist, regardless of their being already recorded, and communication of such data in intelligible form.
2. A data subject shall have the right to be informed
  - a) of the source of the personal data;
  - b) of the purposes and methods of the processing;
  - c) of the logic applied to the processing, if the latter is carried out with the help of electronic means;
  - d) of the identification data concerning data controller, data processors and their representative designated as per Section 5(2);
  - e) of the entities or categories of entity to whom or which the personal data may be communicated and who or which may get to know said data in their capacity as designated representative(s) in the State’s territory, data processor(s) or person(s) in charge of the processing.
3. A data subject shall have the right to obtain
  - a) updating, rectification or, where interested therein, integration of the data;
  - b) erasure, anonymization or blocking of data that have been processed unlawfully, including data whose retention is unnecessary for the purposes for which they have been collected or subsequently processed;
  - c) certification to the effect that the operations as per letters a) and b) have been notified, as also related to their contents, to the entities to whom or which the data were communicated or disseminated, unless this requirement proves impossible or involves a manifestly disproportionate effort compared with the right that is to be protected.
4. A data subject shall have the right to object, in whole or in part,
  - a) on legitimate grounds, to the processing of personal data concerning him/her, even though they are relevant to the purpose of the collection;
  - b) to the processing of personal data concerning him/her, where it is carried out for the purpose of sending advertising materials or direct selling or else for the performance of market or commercial communication surveys.



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### Section 8

#### (Exercise of Rights)

1. The rights referred to in Section 7 may be exercised by making a request to the data controller or processor without formalities, also by the agency of a person in charge of the processing. A suitable response shall be provided to said request without delay.
  
2. The rights referred to in Section 7 may not be exercised by making a request to the data controller or processor, or else by lodging a complaint in pursuance of Section 145, if the personal data are processed:
  - a) pursuant to the provisions of decree-law no. 143 of 3 May 1991, as converted, with amendments, into Act no. 197 of 5 July 1991 and subsequently amended, concerning money laundering;
  - b) pursuant to the provisions of decree-law no. 419 of 31 December 1991, as converted, with amendments, into Act no. 172 of 18 February 1992 and subsequently amended, concerning support for victims of extortion;
  - c) by parliamentary Inquiry Committees set up as per Article 82 of the Constitution;
  - d) by a public body other than a profit-seeking public body, where this is expressly required by a law for purposes exclusively related to currency and financial policy, the system of payments, control of brokers and credit and financial markets and protection of their stability;
  - e) in pursuance of Section 24(1), letter f), as regards the period during which performance of the investigations by defence counsel or establishment of the legal claim might be actually and concretely prejudiced;
  - f) by providers of publicly available electronic communications services in respect of incoming phone calls, unless this may be actually and concretely prejudicial to performance of the investigations by defence counsel as per Act no. 397 of 7 December 2000;
  - g) for reasons of justice by judicial authorities at all levels and of all instances as well as by the Higher Council of the Judiciary or other self-regulatory bodies, or else by the Ministry of Justice;
  - h) in pursuance of Section 53, without prejudice to Act no. 121 of 1 April 1981.
  
3. In the cases referred to in paragraph 2, letters a), b), d), e) and f), the Garante, also following a report submitted by the data subject, shall act as per Sections 157, 158 and 159; in the cases referred to in letters c), g) and h) of said paragraph, the Garante shall act as per Section 160.
  
4. Exercise of the rights referred to in Section 7 may be permitted with regard to data of nonobjective character on condition that it does not concern rectification of or additions to personal evaluation data in connection with judgments, opinions and other types of subjective assessment, or else the specification of policies to be implemented or decision-making activities by the data controller.



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### Section 9

#### (Mechanisms to Exercise Rights)

1. The request addressed to the data controller or processor may also be conveyed by means of a registered letter, facsimile or e-mail. The Garante may specify other suitable arrangements with regard to new technological solutions. If the request is related to exercise of the rights referred to in Section 7(1) and (2), it may also be made verbally; in this case, it will be written down in summary fashion by either a person in charge of the processing or the data processor.
2. The data subject may grant, in writing, power of attorney or representation to natural persons, bodies, associations or organisations in connection with exercise of the rights as per Section 7. The data subject may also be assisted by a person of his/her choice.
3. The rights as per Section 7, where related to the personal data concerning a deceased, may be exercised by any entity that is interested therein or else acts to protect a data subject or for family-related reasons deserving protection. 21
4. The data subject's identity shall be verified on the basis of suitable information, also by means of available records or documents or by producing or attaching a copy of an identity document. The person acting on instructions from the data subject must produce or attach a copy of either the proxy or the letter of attorney, which shall have been undersigned by the data subject in the presence of a person in charge of the processing or else shall bear the data subject's signature and be produced jointly with a copy of an ID document from the data subject, which shall not have to be certified true pursuant to law. If the data subject is a legal person, a body or association, the relevant request shall be made by the natural person that is legally authorized thereto based on the relevant regulations or articles of association.
5. The request referred to in Section 7(1) and (2) may be worded freely without any constraints and may be renewed at intervals of not less than ninety days, unless there are well-grounded reasons.