

[IT] Data protection authority finds bloggers deserve same treatment as journalists

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The Autorità Garante per la protezione dei dati personali (Italian Data Protection Authority, “Garante”), through Resolution no. 29 of 27 January 2016, has stated that when bloggers report news and comments in their blog, in absence of the data subjects’ consent, they do not commit any unlawful act as long as they respect the rights, fundamental freedoms and dignity of the person on which they write.

In this resolution the Garante declared groundless the complaint of a well-known public figure who had asked a blogger to remove an article reporting certain information concerning her personal life and judicial proceedings (for previous decisions, see IRIS 2008-7/26).

In particular, the complainant on one hand had stated that her personal data had been unlawfully disseminated online; on the other hand, she had contested the applicability of the provisions provided for by the Legislative Decree no. 196/2003 (the Data Protection Code) to the specific case, with regard to the protection of freedom of expression.

However, Garante ruled that the provisions of the Data Protection Code relating to journalism also apply to bloggers who carry out informative activities. Indeed, Articles 136 ss. of the Data Protection Code extend the applicability of the legal provisions concerning the personal data processing carried out by journalists to other activities involving freedom of expression which are not carried out by professional journalists.

In light of the above, Garante has stated that the bloggers who run informational websites may process personal data without the data subjects’ consent, with the condition that bloggers are required to respect the rights, fundamental freedoms and dignity of the subject of the writing.

Autorità Garante per la protezione dei dati personali, provvedimento n. 29 del 27 gennaio 2016 [doc. web n. 4747581]

<http://garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/4747581>

Italian Data Protection Authority, Resolution no. 29 of 27 January 2016 - web document no. 4747581

