[IT] Administrative Court orders RAI to allow access to documents related to journalistic investigation

IRIS 2021-7:1/8

Francesco Di Giorgi & Luca Baccaro

On 18 June 2021, the Lazio Administrative Court (TAR Lazio, section III) ruled on a request lodged by an Italian lawyer against RAI, concerning the access to some documents related to a journalistic investigation carried out by “Report”, a popular TV show on RAI 3.

According to the applicant, the investigation shed a negative light on his professional activities, depicting him as the person behind the unclear management of public funding by some local public bodies and some of their advisors. Therefore, he asked RAI to be granted access to the documents on which the investigation was based, in order to collect evidence for the purposes of defamation proceedings.

RAI denied access, first claiming not to be a public body to which the Administrative Court could order the duty of access and, secondly, that the access would violate the journalist's right not to reveal their sources, pursuant to Article 2, clause 3, of Law No. 69/1963, a rule connected with the freedom of the press principle.

With regard to the nature of RAI as a public body, the Administrative Court stated that even though RAI is formally a private-public company, it preserves a lot of elements of a public body such as the financing through the TV licence fee and the public service media mission, which place it among the “managers of public services” expressly mentioned by the Law No. 241/1990 that governs the right of access.

With reference to the documents, the Court decided that RAI must reveal the documents referred to in the request for information sent by the “Report” journalists to the local public bodies involved in the investigation concerning the applicant’s involvement, together with the feedback provided by the aforementioned bodies. According to the judgment, given that the documents concern the exchange between public bodies, the protection of journalistic sources shall not be invoked as a limit to the right of access exercised by the applicant in order to defend his interest in a future trial.

TAR Lazio, sez. III, Sentenza n. 2504/2021 of 06.18.2021

https://www.giustizia-

© European Audiovisual Observatory (Council of Europe) 2026

amministrativa.it/portale/pages/istituzionale/visualizza/?nodeRef=&schema=tar_rm&nrg=202100198&nomeFile=202107333_01.html&subDir=Provvedimenti

TAR Lazio, section III, Judgment no. 2504/2021 of 18 June 2021

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026