

**Question for written answer E-005242/2021  
to the Commission**

Rule 138

**Rosa D'Amato** (Verts/ALE), **Piernicola Pedicini** (Verts/ALE), **Ignazio Corrao** (Verts/ALE)

Subject: 'Capacity' decree-law, amendments to Privacy Code and impact on the RRP

With the amendments referred to in Article 9 of Decree-Law No 139/2021 ('Capacity' decree-law<sup>1</sup>), Italy has radically changed the way in which the condition of lawfulness of the public interest applies to the processing of personal data by general government, including certain publicly owned companies.

The decree-law extends the powers of government departments to process, circulate and disclose personal data and to determine the purpose of the processing<sup>2</sup>, even in the absence of a statutory provision, provided that it is in the public interest or in the exercise of official authority. It also sets a 30-day deadline for the Data Protection Authority to give its opinion on the projects pertaining to the national Recovery and Resilience Plan (RRP) and the integrated National Energy and Climate Plan (NECP)<sup>3</sup>.

In the Commission's view:

1. Are these amendments compatible with Regulation (EU) 2016/679 with regard to the principles of transparency and precision of data processing and to the requirement that the public interest must be established by Union or Member State law?
2. In view also of the financial resources of the Data Protection Authority, is the 30-day time limit sufficient to be able to examine projects under the RRP and the NECP, and is it compatible with Regulation (EU) 2018/1999?

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<sup>1</sup> <https://www.gazzettaufficiale.it/eli/id/2021/10/08/21G00153/sg>

<sup>2</sup> Article 9(1)(a)

<sup>3</sup> Article 9(3)