

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 exists, 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 the representative designated as per Section 5(2); e) of the entities or categories 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 modified, 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, on legitimate grounds, to the processing of personal data concerning him/her, even though they are relevant to the purpose of the collection; to the processing of the 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.

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.

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, fax 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 organizations 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.
4. The data subject's identity shall be verified on the basis of suitable information, also by means of available records of 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 a 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.

Section 10: Response to data subjects

1. With a view to effectively exercising the rights referred to in Section 7, data controllers shall take suitable measures in order to, in particular: a) facilitate access to personal data by the data subjects, even by means of ad hoc software allowing accurate retrieval of the data concerning the individual identified or identifiable data subjects; b) simplify the arrangements and reduce the delay for the responses, also with regard to public relations departments or offices.
2. The data processor or the person(s) in charge of the processing shall be responsible for retrieval of the data, which may be communicated to the requesting party also verbally, or else displayed by electronic means – on condition that the data are easily intelligible in such cases also in light of the nature and amount of the information. The data shall be reproduced on paper or magnetic media, or else transmitted via electronic networks, whenever this is requested.
3. The response provided to the data subject shall include all the personal data concerning him/her that are processed by the data controller, unless the request concerns either a specific processing operation or specific personal data or categories of personal data. If the request is made to a health care professional or health care body, Section 84(1) shall apply.
4. If data retrieval is especially difficult, the response to the data subject's request may also consist in producing or delivering copy of records and documents containing the personal data at stake.
5. The right to obtain communication of the data in intelligible form does not apply to personal data concerning third parties, unless breaking down the processed data or eliminating certain items from the latter prevents the data subject's personal data from being understandable.
6. Data are communicated in intelligible form also by using legible handwriting. If codes or abbreviations are communicated, the criteria for understanding the relevant meanings shall be made available also by the agency of the person in charge of the processing.
7. Where it is not confirmed that personal data concerning the data subject exist, further to a request as per Section 7(1) and (2), letters a), b) and c), the data subject may be charged a fee which shall not be in excess of the costs actually incurred for the inquiries made in the specific case.
8. The fee referred to in paragraph 7 may not be in excess of the amount specified by the *Garante* in a generally applicable provision, which may also refer to a lump sum to be paid in case the data are processed by electronic means and the response is provided verbally. Through said instrument the *Garante* may also provide that the fee may be charged if the personal data are contained in special media whose reproduction is specifically requested, or else if a considerable effort is required by one or more data controllers on account of the complexity and/or amount of the requests and existence of data concerning the data subject can be confirmed.
9. The fee referred to in paragraph 7 and 8 may also be paid by bank or postal draft, or else by debit or credit card, if possible upon receiving the relevant response and anyhow within fifteen days of said response.