THE COLLEGE OF ITALIAN DATA PROTECTION AUTHORITY NEEDS AN EXPERT ON NEW TECHNOLOGIES

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The mandate of the Italian Data Protection Authority (DPA), President dr. Antonello Soro and the other members of the Committee, will have to be renewed on June 2019.

The lawyer Rocco Panetta, Iapp Country Leader (International Association of Privacy Professionals), pointed out that the DPA - which is part of the European Data Protection Supervisor - performs high administration tasks. These tasks include: indirectly regulating and conditioning markets and capital, regulate marketing and profiling techniques, provide data retention times and physical and IT security measures, set the rules for the use of data for electoral purposes and for the exercise of the right to vote (from the regular use of the Internet and electronic mail, to the legal bases of the processing that take place on social networks).

Despite the excellent work carried out, the national Parliament that has appointed the members of the Committee of the Italian DPA, over the years have always ignored the obligation to include among the four members of the committee an expert in computer science and IT.

In Italy, the greatest risk consists in the conflict of interest of elected person related to the role played. Article 153, paragraph 8 of the Italian Privacy Code, as modified by the GDPR, establishes that "the president, the members, the general secretary, and the employees, for the two years following the termination of the assignment or service with the DPA, shall refrain from dealing with proceedings before to the DPA, including the presentation on behalf of third parties of claims for requests for opinions or queries". This rule is necessary to prevent that privileged information held by members of the DPA are destined to favor only personal interest of someone.

According to the Italian DPA the ideal composition of the next committee should be: a Judge who is attentive to the issues of protection and harm to the person, an expert in new technologies law or even a philosopher of ethics, a computer science expert who can act as a point of contact between the world of law and the world of technology, and a figure with experience as a policy maker.

The lawyer Panetta advises some scholars to be included in the committee: Luciano Floridi, professor of philosophy and information ethics at University of Oxford; Alessandro Acquisti, professor of information technology; Guido Alpa, professor of private law, in Rome; Alessandro Mantelero, professor at the University of Turin; Ilaria Caggiano, professor of private law and of the LL.M. in "Data Protection Officer and Privacy Law" at the University of Naples, Suor Orsola Benincasa; Giusella Finocchiaro, privacy expert at the University of Bologna. He also advises as policymakers: Giovanni Buttarelli, president of EDPS; Roberto Viola, Director of the EU Commission DG Connect; Antonio Nicita, Commissioner Agcom; Bruno Gencarelli, Head of International Data Flows Unit at the European Commission; Anna Cataleta, DPO of the authority for Childhood, and Rosario Imperiali, Lawyer with high expertise in data protection.
Parliament should pay attention to all its resources on this issue.

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