

Rome 24 September 2002

European Commission
Internal Market DG
Data Protection
C-100 6/14
B-1049 Brussels
Belgium

Subject:

Public Consultation by the European Commission on the implementation of Directive 95/46
Ref. 11. F/PRIVACY

CODACONS, an umbrella group of associations for the protection of the environment and of consumers and users, is a non-profit association which, in accordance with its articles of association, seeks to safeguard standards of quality, efficiency and correct behaviour in contractual relations and in the provision of public services.

By Ministerial Decree published in the *Gazzetta Ufficiale* of 15 May 2000, CODACONS was entered on the list of national representative associations for the defence of consumers and users pursuant to Article 5 of Law No. 281 of 30 July 1998.

In July 2001, our Association set up a "*Privacy window*" to answer consumers' questions on personal data protection in Rome, at Viale G. Mazzini n. 73, and on its own website www.codacons.it, e-mail: cod.privacy@tiscalinet.it.

Thanks to this particular window on the world, we have seen a gradual increase in citizens' awareness of their rights in privacy matters and ever-increasing demand for protection of these rights.

This is undoubtedly due to the tireless work of the Data Protection Authority and to coverage of these matters in the media.

We receive requests for clarification on a vast range of subjects via our *Window*. The most recurrent questions, however, concern the credit, finance and insurance sectors, direct marketing activity, telephony and the activation of unrequested services, communication networks and the Internet, journalists' activities and video surveillance.

In recent months, we have recorded a surge in spamming, especially of pornographic content, and citizens' increasing concern on the level of protection of privacy on the Internet.

The need to adopt technical means of preventing personal data being collected without users' consent and possible means of protecting one's own computer using software which is available to everyone have received particular mention.

We believe that citizens' increased awareness of the fundamental right to privacy is not matched by adequate knowledge of the means of protecting themselves under the rules in force.

Consumers are stating their fears about the illegitimate use of their data and their regret that they are often constrained to consent to the processing of their data without being properly informed.

We are therefore bound to record our satisfaction at the adoption of the opt-in principle, because we believe that preventive consent to the processing of personal data offers citizens one more means of controlling the flow of data concerning them.

In the light of the reports we receive via our *window*, we believe it is also necessary to step up efforts to divulge and clarify the rules on the protection of personal data, and particularly with regard to the use of new technologies and problems concerning the link between the need for security, with which everyone is familiar, and respect for individuals' privacy.

In view of the reform of Law No. 675/1996 by Legislative Decree No. 467/2001, the anticipated adoption of codes of good practice in areas like the Internet, video surveillance, direct marketing, employment, commercial information, so-called risk centres and the single text on privacy, we are bound to say that the debate on the degree of implementation in Italy of Directive 95/46/CE has certainly begun.

The Authority's commitment to discharging its own institutional duties therefore brings us to urge it to step up its own activities to spread awareness of the dignity of the person in every sector of society.

Yours sincerely,
CODACONS