

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Italy

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1 Measures taken by government/public authorities

Measures to contrast the Coronavirus Covid-19 outbreak and propagation have been adopted by Italian public authorities since the end of January 2020. They will be grouped and analysed below, distinguishing the different adopting authorities. Each regional authority (there are 20 regions in Italy) have adopted their own regulations and legislative acts; the same happened for municipalities: these acts were not reported below but can be added in the next revision of the report – covering the period after 20 March 2020.

Italian Government:

- Decision of the Italian Government of 31 January 2020¹: the state of emergency is officially declared to face the acceleration of the virus transmission. The consequence of this declaration is that the Italian Civil Protection is made responsible of managing the emergency through the adoption of ordinances. The Government earmarked an initial EUR 5,000,000 to manage the emergency, taken from the Fund for National Emergencies (*Fondo per le Emergenze Nazionali*).
- Law Decree No. 6 of 23 February 2020, converted into Law No. 13 of 5 March 2020²: urgent measures are adopted by the Government and immediately approved by both branches of the Parliament. More specifically, the Law Decree listed emergency measures public authorities could adopt to reduce the propagation of the virus. Up to this moment, these measures were limited to the municipalities/areas where at least one autochthonous case of Coronavirus had been registered. The urgent measures can include: prohibition of leaving the municipality or the area to all the people present in the municipality/area; prohibition of access to the municipality/area; suspension of events and initiatives of any kind, including cultural, religious and sport events; suspension of classes in all the schools of all levels; suspension of university and academic activities; closing of museums and cultural institutions; suspension of school-trips to both national and international destinations; active quarantine to people who had been in close contact with infected people - the initial wording of this disposition was quite generic and people were discouraged to leave their home unless necessary. Self-certification forms were immediately introduced to be shown to police officers in case of random controls. The Decree of 22nd March explicitly introduced a prohibition to leave the municipality's territory; people are still allowed to leave their dwellings for a limited number of reasons, such as to buy food and medicines, walk the dog etc.; obligation for all the people arriving to Italy and proceeding from areas at risk to communicate their arrival to the Prevention Department of the local Healthcare service that is in charge of informing competent authorities for the adoption of the active surveillance measure - the local medical staff is requested to contact by phone people under surveillance to have information about their health conditions.³ If symptoms emerge, local medical authorities must strictly follow the protocol adopted by the Ministry of Health and organise the patients' transfer to the hospital; closing of all shops, including shops selling essential goods; closing or limitation to the activities of public offices and services; possibility to introduce compulsory safeguards to rule the access to essential public services or shops selling essential goods (such as the use of face-masks, hand sanitiser etc.; the obligation to maintain a 1-metre compulsory distance between people); limitation or suspension to freight transport and transport of people (including planes, trains, ships and local public transports);

¹ Delibera Del Consiglio Dei Ministri 31 gennaio 2020, "Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili", available at: www.gazzettaufficiale.it/eli/id/2020/02/01/20A00737/sg.

² Legge 5 marzo 2020, n. 13, "Conversione in legge, con modificazioni, del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19", available at: www.gazzettaufficiale.it/eli/id/2020/03/09/20G00028/sg.

³ Information available at: http://www.prefettura.it/FILES/allegatineWS/1181/Circolare_Ministero_della_Salute_n._5443_del_22_febbraio_2020.pdf

suspension of working activities, with the exception of essential services. These measures would be adopted through Decrees adopted by Government authorities (including each Minister for his/her area of competence), Regional authorities. The Law Decree also specified that the violation of the adopted measures represents a violation of Art. 650 of the Italian Criminal Code, entailing a three-month detention or a EUR 206 financial sanction. Local Prefects are the authority in charge of the enforcement of the measures, organising the activity of police officers.

- Decree of the President of the Italian Government of 23 February 2020⁴: urgent measures were introduced for the areas with the highest rates of virus transmission (some municipalities of the Lombardy and Veneto regions – listed in Annex I of the Decree). All the possible measures listed in the Law No. 13/2020 were introduced in those areas: essential public services were allowed to continue their activities; shops selling essential goods were allowed to continue their activities; safeguards were adopted to have access to those shops (such as the use of face-masks, hand sanitiser etc.; the obligation to maintain a 1-metre compulsory distance between people); transport of essential goods was allowed; working activities relating to essential services (including veterinarian services and agricultural and farming activities) were allowed. These measures were not extended to health professionals and medical staff. Employers were encouraged to foster smart-working and flexible work for all their employees in order to allow them to work from their homes.
- Decree of the President of the Italian Government of 25 February 2020⁵: the measures adopted with the Decree of 23 February were extended to other areas of the North of Italy, namely all the municipalities of Emilia-Romagna, Friuli Venezia Giulia, Lombardy, Veneto, Liguria and Piedmont.
- Decree of the President of the Italian Government of 1st March 2020⁶: with this Decree the municipalities that were at that time most affected by the virus propagation were divided into two groups. The so-called “red area” (municipalities of Annex I) were imposed the strictest isolation regime where all the measures listed in the Law Decree No. 6/2020 were in-force; and the so-called “yellow area” (municipalities/provinces/regions of Annexes II and III) where a softer regime was introduced. According to this latter regime, sport and cultural activities were suspended, as well as public events and demonstrations; however, shops, museums, cinemas etc. could continue their activities if they could ensure the respect of the safety health measures. Finally, the Decree imposed to the whole Italian territory the suspension of school-trips and all other journeys. The Government also fostered the adoption of alternative and telematic teaching methods both in schools and in universities; finally, employers were encouraged to opt for the smart-working regime whenever possible. Moreover, the Decree imposed an informative obligation to public authorities: information on how to prevent the propagation of the virus and how to implement basic health measures had to be available in all public offices and open activities (including shops and work-places) through the display of informative leaflets.

⁴ Decreto Del Presidente Del Consiglio Dei Ministri 23 febbraio 2020, “Disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2020-02-23&atto.codiceRedazionale=20A01228&elenco30giorni=true.

⁵ Decreto Del Presidente Del Consiglio Dei Ministri 25 febbraio 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/02/25/20A01278/sg.

⁶ Decreto Del Presidente Del Consiglio Dei Ministri 1 marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/03/01/20A01381/sg.

- Law Decree No. 9 of 2 March 2020 (it is currently pending the conversion into Law by the Parliament)⁷: with this Bill, the Government introduced the first welfare measures to support families, workers and companies financially affected by the emergency status. For the purposes of this report, the most relevant measures are described. Debt collection concerning individuals and companies located in the “red area” was suspended; the same measure was applied also to utilities bills (energy, water and gas) until 30 April 2020. Civil judicial proceedings were suspended until at least 31 March 2020, except for proceedings concerning some specific judicial fields, such as, for instance, guardianship proceedings, divorce proceedings, domestic violence and return procedures of third-country citizens. Financial measures were introduced to support employers (through, for instance, the possibility to activate the extraordinary layoff, that is an allowance provided by the National Social Security Institute to the employees of those companies that are facing a crisis or reorganisation situation) and self-employed workers. Smart-working measures were further enhanced for the staff of the public administration, through the increase of the provision of PCs and other devices. A specific support Fund was destined to SMEs located in the “red-area”. Art. 32 established the validity of the school year 2019/2020 even if the 200 compulsory days of school were not actually offered.
- Decree of the President of the Italian Government of 4 March 2020⁸: the yellow area was extended to the entire Italian territory. More specifically, the following measures have become in-force everywhere in Italy: suspension of conferences, meetings and all social events involving medical staff or public-services’ staff; suspension of demonstrations, public events, cinemas and theatres; suspension of sport competitions and events (with the exception of professional athletes); suspension of school and university activities until 15 March 2020; suspension of school-trips and guided sightseeing tours; suspension of the right to visit elderly relatives living in nursing homes and hospices. School directors are encouraged to adopt techniques and measures to ensure the offer of teaching and education activities on-line to all the Italian students, including specific measures destined to students with disabilities. The same is possible for Italian Universities that are invited to offer on-line classes. Smart working was extended to all types of paid employment. This Decree was meant to be in-force up to 3rd April 2020.
- Decree of the President of the Italian Government of 8 March 2020⁹: the red zone was extended to more areas of the country (listed in the heading of Art. 1). Art. 2 confirmed that the rest of the country was subject to the yellow zone regime.
- Law Decree No. 11 of 8 March 2020¹⁰: all judicial proceedings were suspended until 22 March 2020. All the hearings of the proceedings that are excluded from the suspension (mentioned above and confirmed in this Law Decree) must be held behind closed doors. The video-conference system was imposed to all civil proceedings’ hearings that do not require the presence of other subjects besides the lawyers and the parties. This Law Decree also introduced two provisions that caused several revolts in almost every detention facility in Italy: during these revolts several prisoners and penitentiary police officers were injured, and 15 prisoners

⁷ Decreto-Legge 2 marzo 2020, n. 9, “Misure urgenti di sostegno per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/03/02/20G00026/sg.

⁸ Decreto Del Presidente Del Consiglio Dei Ministri 4 marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale”, available at: www.gazzettaufficiale.it/eli/id/2020/03/04/20A01475/sg.

⁹ Decreto Del Presidente Del Consiglio Dei Ministri 8 marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/03/08/20A01522/sg.

¹⁰ Decreto-Legge 8 marzo 2020, n. 11, “Misure straordinarie ed urgenti per contrastare l'emergenza epidemiologica da COVID-19 e contenere gli effetti negativi sullo svolgimento dell'attività giudiziaria”, available at: www.gazzettaufficiale.it/eli/id/2020/03/08/20G00029/sg.

died. The first provision introduced the suspension of the right to visit of family members and relatives (including in juvenile detention facilities). The detainees had the possibility to communicate with their families either via phone or videoconference in case the facility was equipped for this option. The second provision allowed judicial authorities to suspend (until 20 May 2020) the semi-freedom regime.

- Decree of the President of the Italian Government of 8 March 2020¹¹: the red zone was extended to the whole Italian territory. The Decree also prohibited any type of gathering in public spaces or places open to the public. The emergency legislation does not specify the number of individuals that are needed to constitute a forbidden gathering. It is possible to presume that two individuals are enough since authorities are inviting people to go out alone and only if absolutely necessary. This Decree is immediately enforceable and will last until 3 April 2020.
- Law Decree No. 14 of 9 March 2020¹²: this Decree – which is pending the conversion into Law by the Italian Parliament – was aimed at reinforcing the human and financial resources at the disposal of the National Healthcare System in order to cope with the emergency. Healthcare departments and institutions were allowed to hire additional staff. Self-employed medical staff could therefore be hired – considering the insufficiency of the existing public lists – with 6-month working contracts. These contracts are meant to expire with the end of the emergency period. The Decree also specified measures to ensure the continuity of general practitioners and paediatricians’ services. Home-assistance was introduced and ensured for students with disabilities. Art. 13 suspended the working-hour limits imposed to work-shifts – in compliance with the EU legislation – for medical staff: the staff must however be adequately equipped to prevent the propagation of the virus in hospitals and other healthcare facilities. Art. 14 introduced specific dispositions on data protection: public and private institutions operating in the healthcare system have been allowed to exchange personal data of the patients in order to limit and prevent the propagation of the virus. Data subjects were confirmed the right to be informed and to exercise all the rights envisaged by the in-force legislation: however, the right to be informed and to informed consent were simplified, for instance the informed consent can be provided orally.
- Decree of the President of the Italian Government of 11 March 2020¹³: all commercial activities were suspended in the entire Italian territory, with the exception of a short list of shops and activities that are allowed to remain active during the emergency period (Annex I). This list includes supermarkets and grocery stores; shops selling sanitation products; shops selling electronic products and communication devices; shops selling veterinarian products; banks and post offices etc. Public transports were relevantly reduced: each Italian region and municipality further ruled the functioning of the public-transport network at the local level.
- Protocol of 14 March on measures to contrast and limit the propagation of Covid-19 in the workplace¹⁴: professional associations and trade unions – at the request of the Prime Minister and the Ministries of Economics, Labour, Economic Development and Health – negotiated a

¹¹ Decreto Del Presidente Del Consiglio Dei Ministri 9 marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale”, available at: www.gazzettaufficiale.it/eli/id/2020/03/09/20A01558/sg.

¹² Decreto-Legge 9 marzo 2020, n. 14, “Disposizioni urgenti per il potenziamento del Servizio sanitario nazionale in relazione all'emergenza COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/03/09/20G00030/sg.

¹³ Decreto Del Presidente Del Consiglio Dei Ministri 11 marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale”, available at: www.gazzettaufficiale.it/eli/id/2020/03/11/20A01605/sg.

¹⁴ Protocollo condiviso di regolamentazione delle misure per il contrasto e il contenimento della diffusione del virus Covid-19 negli ambienti di lavoro, 14 March 2020, available at: www.inail.it/cs/internet/docs/alg-protocollo-14-marzo-sicurezza-lavoratori-covid-19-2020.pdf.

protocol indicating the measures and actions to be implemented to ensure workers' safety and limit the propagation of the virus in those workplaces that were still active and could not apply smart-working to the employees. The protocol is divided into 13 sections concerning different aspects of the working activity that need be reformed and monitored during the emergency: information provision to the employees; access to the companies' premises; access of external suppliers to the premises; cleaning and sanitation of the premises; personal hygienic precautions; individual protection devices; shared spaces management (canteen, changing-rooms, smoking areas, vending machines etc.); business organisation (smart-working, shifts, business trips etc.); management of employees' entrances and exits; internal displacements, meetings, internal events and training; how to deal with a symptomatic employee; health surveillance; updating of the protocol.

- Law Decree No. 18 of 17 March 2020¹⁵: the Government adopted a Decree aimed at supporting the economic system and all the people who are financially suffering due to the shortcomings of the epidemic (for instance, those who had precarious or irregular jobs and lost them; small companies that had to stop or reduce their production). The Law Decree is complex and envisages many measures. These include the following actions. Tax compliances to be paid between 8 March-31 May 2020 are suspended. Tax credits are ensured to shops and selling activities for an amount of 60% of the rental fee. Tax credits are ensured to shops and selling activities for an amount 50% of the sanitation costs. Judicial proceedings – except for the proceedings mentioned above – are suspended until 15 April 2020. Regions can introduce redundancy-fund measures to support companies that are currently facing difficulties. Self-employed workers and people with other types of precarious contracts, as well as agricultural workers, are entitled to benefit from a one-off compensation of EUR 500. The public fund to obtain mortgages for the purchase of a home (*Fondo Prima Casa*) is extended also to self-employed people who declare a reduction of their work activity due to the current emergency situation (more than 33% reduction of the revenue). A specific 15-day parental leave is introduced for employees of the private sector with children aged less than 12: the leave is worth 50% of the ordinary wage and can be taken up by both parents alternatively. If parents do not want to apply for this parental leave, they can apply for a specific EUR 600 financial bonus for baby-sitting services. Parents working as public employees can count on a paid parental leave: the period of leave and its conditions are negotiated with the public administration they work for. Until 31 July 2020, the Italian Civil Protection is entitled to order the requisition of public and private healthcare facilities or any other facility that might be useful to increase the capacity of the public healthcare system. Tax credits were introduced for SMEs up to 33% of the loans they had obtained before the emergency period. EUR 5 million was earmarked to sustain the debits of SMEs.

Decree of the President of the Italian Government of 22 March 2020¹⁶: the Decree applies to the entire Italian territory; it is immediately enforceable and effective until 3rd April 2020. All manufacturing and commercial activities are suspended, except for those listed in Annex I to the Decree. Professional activities are not suspended, and public administrations can continue providing essential services, respecting tough the health safeguards (use of facemasks, hand sanitiser etc.; the obligation to maintain a 1-metre compulsory distance between people). It is forbidden to relocate or move from the municipality each person is living in this moment (or present at any other title) with public or private means of transport, except for demonstrated reasons of work or health. It is not possible anymore to go back to the municipality of residence. All productive activities can continue if they are carried out using smart-working techniques. It is

¹⁵ Decreto-Legge 17 marzo 2020, n. 18, “Misure di potenziamento del Servizio sanitario nazionale e di sostegno economico per famiglie, lavoratori e imprese connesse all'emergenza epidemiologica da COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sg.

¹⁶ Decreto del Presidente del Consiglio dei Ministri 22 Marzo 2020, “Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale”, available at: www.gazzettaufficiale.it/eli/id/2020/03/22/20A01807/sg.

possible to continue those working activities that are necessary to ensure continuity to the activities listed in Annex I, as well as to public utilities. The decision to continue such activities must be communicated to local Prefects. Museums and cultural institutions are not included – for the purposes of this Decree – in public utilities; schooling is not included neither and it must be ensured using long-distance teaching methods. Transportation, production and delivery of medicines, medical devices, agricultural and food products are allowed. Continuous production-cycle activities are permitted if the suspension can severely compromise the plant or cause serious accidents: Prefects can suspend such activities if they consider that such risks do not actually exist. Some productive sectors – such the defence, aerospace industry and other strategic productive sectors – can continue their activities. All the companies whose activities are not suspended are compelled to respect the measures aimed at contrasting the virus propagation in workplaces (established through the Protocol of 14 March 2020, negotiated by the Government and the social partners). Companies whose activities are suspended must stop the production by 25 March, including the delivery of stocked goods.

Italian Civil Protection (*Protezione Civile*):

- Ordinance of 27 February 2020¹⁷: the National Institute of Health (*Istituto Superiore di Sanità*, ISS) was appointed as the public authority in charge of monitoring the epidemic diffusion. At this purpose, the ISS set up a database of the contagions. Data will be provided by each Italian region and autonomous provinces. The hospital “L. Spallanzani” located in Rome was appointed as the competent medical institution in charge of monitoring the clinical features of the registered cases of contagions. Art. 4 clarify the data protection regime: personal data can be treated for public interest by the competent databases’ managers in compliance with the in-force national and EU legislation. Data can be shared with the ISS, the Ministry of Public Health and with the Head of the Italian Civil Protection. Personal data – once anonymised – can be shared for research and scientific cooperation purposes with the WHO and the European centre for disease control.
- Ordinance of 29 February 2020¹⁸: home mortgages were suspended for people living in the area listed in Annex I of the Decree of the President of the Italian Government of 23 February 2020 until the end of the emergency situation. Banks and financial institutions were compelled to inform their clients about this possibility.

Italian Ministry of Public Health:

- Ordinance of 25 January 2020¹⁹: the Ministry established that all passengers arrived in Italy from Countries where autochthonous Coronavirus cases were registered, as well as, airline companies and companies and institutions managing airports, are compelled to respect the health prevention measures outlined by the Government to prevent the propagation of the virus. Art. 1 does not specify the measures. However, on 22 January the Ministry of Health released a Circular Letter providing the first available information concerning the new virus, even if – at that moment – no cases had been registered in Italy. In this Circular Letter, prevention measures were pointed out, including: avoiding direct contacts with people suffering from respiratory infections; washing hands several times per day; avoiding visiting markets where alive animals are sold; travellers with respiratory infections should avoid direct contacts with other people, sneeze and cough in a tissue and wash their hands. Moreover, medical staff in contact with potential Covid patients is requested to adopt specific prevention measures:

¹⁷ Ordinanza 27 febbraio 2020, “Ulteriori interventi urgenti di protezione civile in relazione all'emergenza relativa al rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili”, available at: www.gazzettaufficiale.it/eli/id/2020/02/28/20A01348/sg.

¹⁸ Ordinanza 29 febbraio 2020, “Ulteriori interventi urgenti di protezione civile in relazione all'emergenza relativa al rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili”, available at: www.gazzettaufficiale.it/eli/id/2020/03/02/20A01375/sg.

¹⁹ Ordinanza 25 gennaio 2020, “Misure profilattiche contro il nuovo Coronavirus (2019 - nCoV)”, available at: www.gazzettaufficiale.it/eli/id/2020/01/27/20A00618/sg.

professionals dealing with this epidemic should be possibly relieved from other activities; they must use safety devices, such as face FFP2 masks, hand sanitiser, gloves and long-sleeved gowns. If patients need to be transferred to other areas, rooms of the hospital, a specific path must be designed in order to avoid contacts with other patients.²⁰ Art. 2 established that PNR data is collected by competent authorities in compliance with the in-force data protection legislation (more specifically, art. 9 para. 2 of the GDPR is mentioned): this data is destroyed after 60 days if no cases of Coronavirus were registered for the concerned flight.

- Ordinance of 30 January 2020²¹: all flights proceeding from China were suspended. The Ordinance is valid for 90 days. Italian external borders were not closed. However – as reported in the description of the legislative measures adopted so far by the Italian Government – many controls were introduced to limit and control people’s movements. People were not allowed to leave their place of residence – and from last weekend the municipality where they are in this moment – unless they could prove the movement was absolutely necessary. Such limitations obviously concern also movements towards other States.
- Ordinance of 21 February 2020²²: local health departments were compelled to impose a 14-day quarantine with active surveillance to all subjects who entered in direct contact with people resulted positive to the test. People coming back from affected areas of China in the previous 14 days, were obliged to inform the Prevention office of the local healthcare department and stay at home for 14 days in isolation and under active health surveillance. Personal data collected by local healthcare departments is treated in compliance with the in-force data protection legislation. Data is destroyed after 60 days if no suspect cases emerge. This Ordinance has a 90-day validity.
- Ordinance of 20 March 2020²³: this Ordinance is to be enforced on the entire Italian territory until 25 March 2020. Its measures are aimed at further limiting the propagation of the virus. It is forbidden the access to public parks and public gardens. Any leisure and recreational activity in the open air is forbidden. Sport activities are still allowed if practiced alone and respecting the 1-metre distance from other people. All shops selling food and beverages located in train stations and gas stations are closed; those located on the highways can still sell take-away food; those located in hospitals and airports can still remain open as long as the 1-metre distance is respected.

²⁰ Information available at:

<http://www.trovanorme.salute.gov.it/norme/renderNormsanPdf?anno=2020&codLeg=72796&parte=1%20&serie=null>

²¹ Ordinanza 30 gennaio 2020, “Misure profilattiche contro il nuovo Coronavirus (2019 - nCoV)”, available at: www.gazzettaufficiale.it/eli/id/2020/02/01/20A00738/sg.

²² Ordinanza 21 febbraio 2020, “Ulteriori misure profilattiche contro la diffusione della malattia infettiva COVID-19”, available at: www.gazzettaufficiale.it/eli/id/2020/02/22/20A01220/sg.

²³ Ordinanza 20 marzo 2020, “Ulteriori misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale”, available at: www.gazzettaufficiale.it/eli/id/2020/03/20/20A01797/sg.

Italian Ministry of Justice:

- Communication of 13 March 2020²⁴: this Communication was destined to the Directors of the Italian detention facilities. The Ministry stressed the importance of correctly informing the staff working in the facilities and the prisoners. People starting their detention period will undergo a compulsory triage procedure before having access to the detention facility: if the prisoner must be subject to an isolation period, the staff working in the isolation area of the prison must be provided with the adequate prevention kit (including, face-masks, hand sanitiser etc.). Prisoners who present the virus symptoms, must be visited by the prison's medical staff in a separate area of the prison and not in the infirmary where other prisoners might be attended. The other prisoners sharing the room with the potential infected person must undergo adequate medical check. If a prisoner results positive to the Coronavirus, the prison's healthcare staff will decide whether to treat the patient in the isolation area of the facility or transfer him/her to the hospital, depending on the clinical conditions of the patient. Nobody – besides the medical staff – can have access to the isolation area of the prison. All the prisoners who are allowed to go out from prison must undergo a medical check. All transfers of prisoners to other detention facilities are suspended. The transfers which are deemed necessary for health reasons or to respond to the revolts occurred in the previous days will be allowed. All prisoners who will be transferred for these specific reasons will be tested, to avoid the propagation of the virus in detention facilities.

Italian Ministry of Infrastructure and Transports:

Decree of 16 March 2020²⁵: maritime transports from and to Sicily are suspended to avoid the propagation of the virus. Transport of commercial goods from and to the island is ensured. People are entitled to travel by sea from Sicily to Calabria only for urgent work, health or emergency reasons. Air transport to the island is ensured only for urgent reasons of territorial connection. Train transports are maintained at the minimum level. Car services connecting the Sicily with other regions are suspended.

Italian Ministry of Education

- On 17 March, the Ministry of Education released the guidelines for long-distance education²⁶: these guidelines were needed to ensure students school continuity, since schools closure will probably be extended and students must be granted the possibility to not lose the 2019/2020 school-year. The Guidelines include definitions of long-distance education and some techniques and actions that schools can implement to foster the participation of students to these activities. Moreover, specific techniques, software or integrative teaching materials must be offered to students with disabilities or specific learning needs. The Guidelines also include a specific section on privacy issues. According to the document, school institutions are not requested to obtain the informed consent for processing personal data, since such consent was also obtained at the moment of the students' enrolment: long-distance education is thus considered a part of ordinary school activities. School institutions, however, must

²⁴ Nota 13 marzo 2020 - Ulteriori indicazioni operative per la prevenzione del contagio da coronavirus negli istituti penitenziari - Amministrazione Penitenziaria, available at: www.giustizia.it/giustizia/it/mg_1_8_1.page?facetNode_1=0_62&contentId=SDC253426&previousPage=mg_1_8.

²⁵ Decreto Ministeriale No. 118/2020, available at: www.mit.gov.it/sites/default/files/media/notizia/2020-03/M_INFR.GABINETTO.REG_DECRETI%28R%29.0000118.16-03-2020.pdf.

²⁶ Ministero dell'Istruzione, "Emergenza sanitaria da nuovo Coronavirus. Prime indicazioni operative per le attività didattiche a distanza", 17 marzo 2020, available at: <http://re.istruzioneer.gov.it/wp-content/uploads/sites/10/2020/03/Nota-Prot.-n.-388-17.03.2020-Ministero-Istruzione.pdf>.

inform data subjects about the content of art. 13 and 14 of the Regulation 2016/679/EU and more specifically: i. that personal data will be treated lawfully, correctly and transparently and this data will be collected for specific, explicit and legitimate purposes; no profiling will be allowed and this data will not be disseminated and communicated to other subjects; ii. In compliance with art. 28 of the Regulation, processing of data will be governed with specific contracts binding the processors to the controllers (the school institutions); iii. Processed data will undergo an impact assessment, in compliance with art. 35 of the Regulation.

Authority for the Protection of the People who are Detained or Deprived of their Personal Freedom:

After the revolts that occurred in most of the Italian prisons, the Authority for the Protection of the People who are Detained or Deprived of their Personal Freedom (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) started releasing a periodic bulletin on the situation of detained people in this emergency period. These bulletins also cover the situation of irregular immigrants undergoing administrative detention in Italian CPRs, nursing homes for older people and judicial psychiatric institutions. In its last bulletin²⁷ (released on 23 March), the following situation is described:

- a. Detention Facilities: prisoners detained in Italian prisons currently are 58,658. 91 detention facilities have set up isolation areas for health prevention (the total number of such areas is 108), destined to incoming prisoners who must be detained apart from other prisoners until their health conditions are adequately assessed, or to prisoners with specific health needs. 281 prisoners are currently undergoing the quarantine period in isolation. The Authority sent a message to prisoners (available at: <https://www.youtube.com/watch?v=jPjY6V2kf2M>) explaining the legislative measures limiting the possibility for their family members to have access to the detention facilities. In the video, the Authority also confirmed the efforts of all regional authorities in monitoring that alternative communication strategies and devices are introduced in Italian prisons (such as, self-phones at the disposal of the prisoners, video-conferences, increase of the time available to call the families etc.) to foster the contacts of the prisoners with their relatives. The Authority also reported that the situation in some Italian prisons is particularly critical, especially those where inmates involved in the recent revolts were transferred. Difficulties are still registered in many detention facilities in fostering the use of the Skype platform, due to the lack of wi-fi connection or to the insufficiency of the available PCs. The Authority was informed that 1,500 self-phones were distributed in Italian prisons: 1,600 had already been provided by TIM (phones and communication company). The protection devices at the disposal of the prisons' staff is still inadequate; moreover, inaccurate information on possible positive cases of Covid-19 in Italian prisons is fuelling anxiety and concerns both among the staff and the prisoners. On 20 March, the Chief of the Department for Penitentiary Administration (*Dipartimento dell'Amministrazione Penitenziaria – DAP*) issued a Circular Letter²⁸, introducing specific measures to limit the virus propagation in Italian detention facilities. More specifically, penitentiary police officers are temporarily exempted from work if they enter in direct or indirect contact with a Covid-19- positive person; individual protection devices (such as face-masks) will be provided as soon as possible to all members of the staff (at this purpose, the manufacturing labs active within the prisons – where prisoners are employed - will be re-converted to the production of face-masks); prisoners who show symptoms will be isolated within the facility in specific areas where they will be visited by the medical staff and – where deemed necessary – they will undergo a test; if the test is necessary for an inmate who is pending transfer to another detention facility, the results must be received before the transfer is carried out.

²⁷ Available at :

www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/6966c92818a26430a7454042e0e82ae2.pdf.

²⁸ Source : www.gnewsonline.it/dap-nuove-misure-per-la-prevenzione-del-contagio-da-coronavirus/.

- b. CPRs: as per administrative detention facilities, the 12-March Authority's bulletin reported that "the National Guarantor has started correspondence with the Ministry of the Interior on the persons detained in the CPR whose detention deadline is close to expiry. Following the National Guarantor for the Rights of Persons Detained or Deprived of Liberty National Preventive Mechanism under the OPCAT Covid-19 emergency, in fact, several countries have ordered the blocking of flights to and from Italy, thus also interrupting forced return operations. Therefore, the National Guarantor asked to assess the need for an early release of those who, being in a situation of impossible effective repatriation, are indeed "illegally detained" pursuant to the same Return Directive 115/200"²⁹ On 13 March, many NGOs, lawyers and activists launched a public campaign asking the Ministry of the Interior and other competent public authorities to stop detention in Italian CPRs and – considering the impossibility to return people who are currently detained – to adopt measures alternative to detention since it is impossible – in their opinion – to ensure the application of the basic safety measures aimed at limiting the virus propagation in these detention facilities³⁰. On 20 March, another campaign was launched by activists and NGOs, asking the immediate administrative regularisation of third-country citizens living in Italy, in order to make it possible for this group of people as well to access healthcare services, including general practitioners who are the first point of reference in case symptoms of Covid-19 emerge³¹;
- c. Nursing homes: the 12-March Authority's bulletin reported that "Given the limitations provided for in letter q) of the Council of Ministries' decree of 8 March 2020, which provides that "the access of relatives and visitors to home and long-term care facilities, assisted healthcare home (RSA), hospice, rehabilitation and residential structures for the elderly (both self-sufficient and non-self-sufficient), is limited to the cases indicated by the healthcare manager of the structure which is required to take the necessary measures and prevent possible transmissions of the infection", the National Guarantor, while considering the appropriate restrictions in order to prevent the spread of the illness, expresses its concern regarding the backlashes that these limitations may have inside the structures for people with disabilities and the elderly, if not properly monitored and controlled. In fact, the situation exposes both guests and operators to high stress. This entails an increased risk of conflicting behaviour, of mistreatment or of abuse of coercive measures. The National Guarantor is studying collaborations and methods of supervising unacceptable behaviours of this type. However, the National Guarantor drew attention to those who work in the social-health and social-welfare sector, recommending to all the Directors of the facilities concerned and to the regional supervising Bodies to monitor the structures with utmost attention, given the drastic reduction of the informal control exercised by the external community following restrictions on access"³². As reported in the last bulletin, the Authority is undertaking a monitoring activity, mapping living conditions in 1.983 nursing homes located in the entire Italian territory.

Other

- On 21 March, the Ministry of Equal Opportunity and Family – after discussing with the Ministry of the Interior - released an interview, stating that women who are victims of gender-

²⁹

Available

at :

<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/83c265b8b8fadd34332d545d7c915e8c.pdf>.

³⁰ The campaign is available at: www.meltingpot.org/Emergenza-coronavirus-Bloccare-gli-ingressi-nei-CPR-e.html#.XnozwnLSLIU.

³¹ The campaign is available at: <https://www.meltingpot.org/Appello-per-la-sanatoria-dei-migranti-irregolari-ai-tempi.html#.XnopJHLSLIU>.

³² Available at :

<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/83c265b8b8fadd34332d545d7c915e8c.pdf>.

based and domestic violence are allowed to leave their homes and go to the nearest women-support service, without being reported and sanctioned by police authorities. If they are checked by police officers, they can declare that they left their homes for necessity reasons without being compelled to declare the reason of their decision. In this way, the victims' privacy is ensured.³³

- On 23 March, the National Agency for Civil Aviation (*Ente Nazionale per l'Aviazione Civile* – ENAC), sent a formal letter to Ministerial Authorities, to the Italian Civil Protection and to the Italian Airforce and to other relevant stakeholders, allowing the use of drones to monitor people's movements. The information collected by the drones – that are at the disposal of ENAC – will be made available to local police authorities who are in charge of monitoring the respect of the limitations of movement envisaged by the Decree of the President of the Italian Government of 8 March 2020³⁴.

Information and awareness-raising campaigns developed by public authorities:

- Ministry of Health: the Ministry immediately used its website to disseminate leaflets, posters and infographics on the virus propagation³⁵. The first information was provided in January, providing recommendations and information to the citizens travelling from areas where the epidemic had already started (see for example, http://www.salute.gov.it/imgs/C_17_opuscoliPoster_429_allegato.pdf). The most recent infographic was published on 18 March, concerning blood donation to support hospitals' activities (see, http://www.salute.gov.it/imgs/C_17_opuscoliPoster_449_allegato.png). Some of the information is available in languages other than Italian (see, for instance, http://www.salute.gov.it/imgs/C_17_opuscoliPoster_444_1_alleg.pdf or http://www.salute.gov.it/imgs/C_17_opuscoliPoster_444_1_alleg.pdf).
- The Ministry of Education created a specific section on its website providing information on how to ensure the continuity of the school year despite the emergency³⁶.
- The Italian Police released several infographics and videos explain the new measures adopted to cope with and limit the virus propagation. These are all available on the Police website³⁷ and one of them is available also in English (<https://www.poliziadistato.it/articolo/155e6e00948f9dd352965756>). Some videos were released as well: <https://video.repubblica.it/dossier/coronavirus-wuhan-2020/coronavirus-polizia-ecco-perche-bisogna-restare-a-casa-ed-evitare-anche-di-andare-a-correre-videoscheda/356642/357207?ref=RHPPTP-BH-I252096615-C12-P3-S4.4-T1>.
- The Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l'Infanzia e l'Adolescenza*) released a vademecum on how to explain the epidemic to children³⁸. It is available only in Italian.
- It is worth noticing that the public declarations of the Italian Prime Minister on the new legislative dispositions adopted during the weekend were available also in sign language: www.governo.it/it/articolo/dichiarazioni-del-presidente-conte/14361.

³³Source:

www.repubblica.it/cronaca/2020/03/21/news/elena_bonetti_se_subite_violenza_chiedete_aiuto_andate_al_centro_antiviolenza_e_nessuno_vi_multera_-251867069/?ref=RHPPLF-BH-I251880435-C8-P3-S1.8-T1.

³⁴ The ENAC letter is available at: www.enac.gov.it/sites/default/files/2020-03/Nota_ENAC_23032020_Utilizzo_droni.pdf.

³⁵ All information campaigns are available at: http://www.salute.gov.it/portale/nuovocoronavirus/archivioOpuscoliNuovoCoronavirus.jsp?lingua=italiano&are_a=nuovocoronavirus&opuscoliposter.page=0.

³⁶ Available at: www.istruzione.it/coronavirus/index.html.

³⁷ See: www.poliziadistato.it/articolo/165e67a0b427870927327964.

³⁸ Available at: www.garanteinfanzia.org/sites/default/files/agia-covid19.pdf.

2 Impact of the outbreak on certain national or ethnic communities

Since the beginning of the outbreak, several episodes of Sinophobia occurred in Italy, targeting people generically recognised as Chinese but who actually were from different Asian countries or second-generation immigrant or even Italian citizens. The website “Cronache di Ordinario Razzismo”³⁹ – that manages an online database of racist episodes and that allows users to report episodes – monitored the situation since the beginning of the crisis and reported some of the incidents that have happened so far. During the period 20 January-8 March, the website monitored 61 episodes of insults, discriminations, arson attacks and assaults targeting foreign citizens as a consequence of the Covid-19 propagation. In most cases, the episodes concerned Chinese or Asian citizens. The insults always referred to the alleged lack of hygiene characterising specific groups or populations⁴⁰. Other episodes were reported by Italian newspapers or web magazines: in those cases, the source is reported in footnote. It is worth noting that there are no available official statistics for the specific period: therefore, incidents listed below are just a selection of the episodes reported by the media; underreporting and the impossibility to map all available sources might lead to an underestimation of the phenomenon.

- On 24 January, the right-wing newspaper “Liberio” published an article titled “They eat snakes and then Chinese die”⁴¹
- On 26 January, two Chinese tourists were attacked by a gang of adolescents who spat at and insulted the couple, allegedly because of the racist upsurge connected to the epidemic⁴²
- On 27 January, an Assistant Professor of Marketing at the Catholic University of the Sacred Heart (UCSC) in Milan reported on her Twitter account that while travelling on a train she was verbally assaulted by two other passengers because of her Asiatic facial traits⁴³. She started an online campaign to contrast racism and stereotypes called “I am Chinese, I’m not a virus”⁴⁴
- In Rovigo (Veneto) at the end of January, the parents of the pupils attending a local primary school protested against the school director’s decision to allow Chinese students – recently returned from China – to attend classes, despite the local healthcare departments having informed them there was no risk in this decision⁴⁵

³⁹ The website is managed by the association “Lunaria” and it is available at: www.cronachediordinariorazzismo.org/. The monitoring reports of the incidents occurred during the Coronavirus emergency are available at: www.cronachediordinariorazzismo.org/coronavirus-la-psicosi-apre-le-porte-al-razzismo/ and www.cronachediordinariorazzismo.org/razzismo-se-il-virus-dilaga-non-risparmia-nessuno/.

⁴⁰ Source: www.cronachediordinariorazzismo.org/razzismo-se-il-virus-dilaga-non-risparmia-nessuno/.

⁴¹ The Italian translation of the title is “Mangiano i serpenti e poi i cinesi crepano”. Source: www.globalist.it/life/2020/01/24/libero-razzismo-e-falsita-sul-coronavirus-i-cinesi-mangiano-i-serpenti-e-dopo-crepano-2052018.html.

⁴² Source : www.rainews.it/tgr/veneto/articoli/2020/01/ven-Venezia-Turisti-Cinesi-Insulti-b9664c61-c8e9-4071-bb5d-e74adc195585.html.

⁴³ Source: www.wired.it/attualita/politica/2020/01/29/coronavirus-sinofobia-razzismo-cinesi/. The victim’s Tweet is available at:

https://twitter.com/LalaHu9/status/1221893998589173761?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1221893998589173761&ref_url=https%3A%2F%2Fwww.wired.it%2Fattualita%2Fpolitica%2F2020%2F01%2F29%2Fcoronavirus-sinofobia-razzismo-cinesi%2F.

⁴⁴ Source: www.lastampa.it/cronaca/2020/02/02/news/coronavirus-da-casapound-ai-campi-di-calcio-il-razzismo-e-di-casa-in-italia-1.38415778.

⁴⁵ Source: www.fanpage.it/attualita/psicosi-coronavirus-a-rovigo-fratellini-cinesi-in-quarantena-a-scuola-non-li-voglio/.

- On 30 January, a video was published by an Italian newspaper showing an Italian man verbally attacking Chinese tourists in Florence⁴⁶
- During the night between 1st and 2nd of February, the far-right political party “Forza Nuova” hung racist leaflets at the entrance of shops ran by Chinese people in Brescia, inviting people to buy Italian products⁴⁷
- On 1st February, a 13-year old soccer player was insulted by a competitor during a local soccer team game. The victim was told “I hope you get the virus as it is happening in China”⁴⁸
- On 1st February, a bar located nearby the Trevi Fountain in Rome hung a leaflet outside the entrance prohibiting the access to people from China. Photos of the leaflet were published online, and it was removed by local police officers⁴⁹
- On 3rd February, a Chinese girl travelling on a bus from Cuneo to Turin was asked to get off the bus by the other passengers and depicted as an “unwelcomed person”. The girl – who could not speak Italian adequately – reported the episode to the Chinese community of Turin⁵⁰
- On 4 February, a pizza place in Forlì published a post on Facebook, prohibiting the access to Chinese clients “for safety reasons in order to avoid the contagion”⁵¹
- At the beginning of February, the Santa Cecilia conservatory of Rome issued an internal circular letter destined to the teachers, communicating the suspension of the classes for students of Chinese, Korean and Japanese origins until they concluded the quarantine period⁵²
- On 8 February, a Filipino waiter living in Sardinia was insulted and assaulted on the bus because he was mistaken for “a Chinese bringing the Coronavirus”. The victim was transferred to the hospital where he received a 30-day prognosis for facial trauma⁵³
- On 23 February, the mayors of 6 municipalities of Ischia issued a Decree prohibiting disembarking on the island until 9 March to passengers living in Lombardy, Veneto and to Chinese citizens proceeding from the areas of the epidemic and to those passengers who have visited those areas in the previous 14 days. The Decree was later on abolished by the Prefect of Naples⁵⁴
- On 29 February, a municipal councillor of Pavia (Lombardy) – belonging to the right-wing political party “Lega” – published a racist status on his Facebook profile. In the post, he declared that “Lombardy people are now rejected by people that usually live in garbage (people from Naples and similar), people who don’t have bidets (French people) and people whose capital city (Bucharest) has the sewer full of unaccompanied children. We do not accept hygiene classes from these people: don’t worry, at the end of all of this, the roles will be reversed again”. The post was

⁴⁶ Source : <https://video.lastampa.it/cronaca/video-choc-turisti-cinesi-insultati-sui-lungarni-di-firenze-ci-infettate/109267/109276>.

⁴⁷ Source: www.lastampa.it/cronaca/2020/02/02/news/coronavirus-da-casapound-ai-campi-di-calcio-il-razzismo-e-di-casa-in-italia-1.38415778.

⁴⁸ Source: www.lastampa.it/cronaca/2020/02/02/news/coronavirus-da-casapound-ai-campi-di-calcio-il-razzismo-e-di-casa-in-italia-1.38415778.

⁴⁹ Source: www.lastampa.it/cronaca/2020/02/01/news/coronavirus-roma-a-rischio-psicosi-raggi-stop-allarmismi-1.38412261.

⁵⁰ Source: www.cronachediordinariorazzismo.org/coronavirus-la-psicosi-apre-le-porte-al-razzismo/.

⁵¹ Source: www.corriereromagna.it/psicosi-coronavirus-forli-pizzeria-vietata-cinesi/.

⁵² Source: www.cronachediordinariorazzismo.org/coronavirus-la-psicosi-apre-le-porte-al-razzismo/.

⁵³ Source: www.cronachediordinariorazzismo.org/razzismo-se-il-virus-dilaga-non-risparmia-nessuno/.

⁵⁴ Source : www.ilgiornale.it/news/cronache/coronavirus-ischia-divieto-sbarco-turisti-lombardi-e-veneti-1831024.html.

harshly condemned by Facebook's users and the councillor decided to close his Facebook profile⁵⁵

- On 1st March, the President of the Veneto region declared during an interview in a local TV show that "We all have seen them [Chinese people] eating alive rats or this kind of stuff". He was sustaining that the at-the-time limited propagation of the virus was due to the higher level of hygiene Italians have, especially if compared to other countries, such as China. The Chinese Ambassador in Italy asked official apologies to the Chinese people. The President of the Veneto region sent a formal letter vaguely explaining the meaning of his words⁵⁶

The national Ombudsman – the National Office Contrasting Racial Discriminations and for the Defence of Differences (*Ufficio Nazionale Antidiscriminazioni Razziali a Difesa delle Differenze* - UNAR) – has not publicly commented on the situation so far.

3 Impact on privacy and spread of disinformation

On 2nd February, the Italian Authority for the Protection of Personal Data issued an Opinion on the Decision of the Italian Government of 31 January 2020⁵⁷. The Decision – which officially declared the 6-month state of emergency – gave mandate to the Italian Civil Protection to manage and coordinate the necessary interventions to limit the propagation. Art. 5 of the Decision also concerned the collection and treatment of personal data by the Civil Protection. The Authority commented on the Decision, stressing that – in its opinion – the Decision allowed the respect of the rights and guarantees envisaged by the in-force legislation. The Authority also stressed that – after the end of the emergency – all public administrations involved in civil protection activities are compelled to adopt measures ensuring that the data collected during the emergency is treated according to the ordinary procedures.

On 2 March, the Authority issued a Communication on its website stating that "in response to the invitation of the competent institutions for nation-wide coordination of the Coronavirus-related measures, the Garante calls on all controllers to comply strictly with the instructions provided by the Ministry of Health and the competent institutions to prevent the spread of the Coronavirus without undertaking autonomous initiatives aimed at the collection of data also on the health of users and workers where such initiatives are not regulated by the law or ordered by the competent bodies".⁵⁸

On 16 March, the Authority's President released an interview to Radio Radicale⁵⁹ commenting the threat to the right to privacy entailed by the measures adopted by the Italian Government to cope with the Covid-19 emergency. According to the Authority, emergencies always limit other rights and freedoms: this is the case of the limits recently imposed to the circulation of people. These limits must be compliant to the principle of proportionality and have a temporal limit. The President also reported that he has established a daily communication and information exchange with the public authorities in charge of managing the emergency, including healthcare authorities and the Italian Civil Protection.

⁵⁵Source :

www.ilmattino.it/napoli/cronaca/coronavirus_consigliere_comunale_di_pavia_insulta_napoletani_da_voi_nessuna_lezione_di_igiene-5082387.html.

⁵⁶ Source: www.rainews.it/dl/rainews/articoli/zaia-cinesi-mangiano-topi-vivi-ambasciata-protesta-lui-si-scusa-6630af83-073d-49b3-8e60-0f47339f672d.html.

⁵⁷ The Authority's opinion is available at: www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9265883.

⁵⁸ The Authority's communication is available in Italian and English at: www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9282117#1.

⁵⁹ The audio of the interview is available at: www.gdpd.it/web/guest/home/docweb/-/docweb-display/docweb/9292519.

Eventually, he stressed that public authorities are the only subjects legally entitled to collect data related to the virus emergency; private subjects – such as employers or airlines companies using thermal-scanners – who are currently collecting some types of personal data are not allowed to store such data. Data collection must in any case be compliant with the legislation (including the legislative provisions adopted during the state of emergency) and individual/private initiatives of data collection that exceed the limits imposed by such legislation are forbidden.

On 17 March, the Authority's President released an interview to ANSA where he commented on the possibility – emerging in the public debate⁶⁰ – to use applications to track the mobile phones and control people's movements in the national territory. The President stated that he cannot express his opinion until an actual proposal comes out. However, he cannot understand the aim of such a potentially widespread surveillance if it is not associated to an effective and transparent management system of this huge amount of personal data. Eventually, he also reported that there is not an *ex ante* impossibility to adopt this kind of measure in an emergency situation. This measure must in any case be compliant with the proportionality principle, without “succumb to the temptation of the technological shortcut just because it is apparently easier, but rather carefully considering the expected pros and the cons, also in terms of the imposed compression of our freedoms”⁶¹.

In an interview released to the newspaper “La Repubblica” on 18 March, the Welfare assessor of the Lombardy region confirmed that mobile-phones' data of the people living in the regional territory has been monitored to control their movements. The assessor stressed that such data does not allow the identification of the data subjects: this measure is aimed at assessing and monitoring if people are respecting the restrictions to the freedom of movement imposed by the recently introduced emergency legislation⁶².

The President of the Italian mission of the NGO “Doctors without Borders” (MSF) – that is currently operating in some Lombardy hospitals – released an interview on 19 March⁶³, reporting that electronic bracelets will be provided to test-positive patients who are assisted at home, without being hospitalised. Such bracelets will be able to measure, register and communicate to the medical staff the crucial parameters to assess the patients' health conditions. Patients will be remotely monitored in order to reduce overcrowding in medical premises. Patients' data will allegedly be available only to doctors.

As per the contrast to disinformation and fake news concerning the Covid-19 epidemic, no official strategies and actions have been adopted, so far. On 16 March, Google, Facebook, LinkedIn, Microsoft, Reddit and Twitter released a joint declaration, stating that “we are working closely together on COVID-19 response efforts. We're helping millions of people stay connected while also jointly combating fraud and misinformation about the virus, elevating authoritative content on our platforms, and sharing critical updates in coordination with government healthcare agencies around the world. We invite other companies to join us as we work to keep our communities healthy and safe”⁶⁴.

⁶⁰ On 17 March, the newspaper “La Repubblica” published an article announcing that an Italian company developed an app able to monitor people's contacts and map the virus propagation network. The article is available at: www.repubblica.it/economia/2020/03/17/news/app_coronavirus-251422094/.

⁶¹ The interview is available at the Authority's website, at: www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9292565. The Italian version of the quotation is as follows: “Vanno studiate però molto attentamente le modalità più opportune e proporzionate alle esigenze di prevenzione, senza cedere alla tentazione della scorciatoia tecnologia solo perché apparentemente più comoda, ma valutando attentamente benefici attesi e “costi”, anche in termini di sacrifici imposti alle nostre libertà”.

⁶² Source: https://milano.repubblica.it/cronaca/2020/03/18/news/coronavirus_lombardia_milano_notizie-251592044/?ref=RHPPTP-BH-I251485995-C12-P9-S2.4-T1.

⁶³ Source: www.repubblica.it/cronaca/2020/03/19/news/coronavirus_i_medici_di_msf_tra_lodi_e_codogno_un_braccialett_o_elettronico_per_il_monitoraggio_sanitario_di_chi_e_positiv-251705248/?ref=RHPPTP-BH-I251519435-C12-P3-S4.4-T1.

⁶⁴ Information available at: <https://about.fb.com/news/2020/03/coronavirus/#joint-statement>.

Some initiatives were set up by activists and civil-society organisations. This is the case of the website Covid19Italia.help, a non-for-profit project based on the cooperation of several digital activists and aimed at gathering solid and referenced information on the epidemic. The website is interactive: users can point out solidarity initiatives organised in their territory; useful information, articles and data sources but also fake news and disinformation cases⁶⁵.

In some cases, the media itself contributed in contrasting disinformation. This is the case of the online newspaper Open that gathered all the fake news that have been published on the epidemic, both on the formal media and on the social networks (including WhatsApp messages that became viral). Moreover, on its website it is possible for the readers to report fake news or disinformation cases, in the section titled “Fact-checking”.⁶⁶

⁶⁵ The website is available at: www.covid19italia.help/.

⁶⁶ See: www.open.online/2020/03/20/speciale-coronavirus-come-difenderti-dalle-bufale-e-i-falsi-miti-sul-covid-19/#guide.

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Additional information incorporated after receipt of the FRANET report:

Public Health

- Decree of 2 March 2020 on COVID-19 emergency and veterinary public health and food safety. The decree allows the use of Veterinary Laboratories (Istituti Zooprofilattici Sperimentali) for diagnostic testing, and indicates which veterinary activities can be postponed and which not.
- Ordinance of 17 March 2020 of the Ministry of Transports and the Ministry of Health: to limit the spread of the virus, all people arriving in Italy by flight, train, sea and road, even if asymptomatic, must immediately inform the Department of Prevention of the local health unit of their arrival and stay at home in isolation and under health surveillance for 14 days. If developing symptoms they must contact the Health authority through dedicated hot lines. Derogation is allowed for work purposes for a time not exceeding 72 hours, with the option for prorogation for another 48 hours, under presentation of a declaration attesting that they enter Italy only for work purposes. If developing symptoms, they must contact the Department of prevention and stay under isolation. These measures do not apply to travelling staff of a company with a legal basis in Italy. The infringement of these measure is a crime, These measures are valid until 25 March 2020. The Act was amended by the Decree 18 March 2020, excluding from the application health professionals and transboundary workers and suspending sea travel of people to and from Sicily. Transport of goods is allowed.

The Italian independent Authority for Children and Adolescents (Autorità garante per l'infanzia e l'adolescenza):

- The Authority released a vademecum on how to explain the epidemic to children and adolescents. The office of the Authority has also translated the vademecum into English and published it on its website: https://www.garanteinfanzia.org/sites/default/files/agia-decalogo-covid19-english_0.pdf
- Moreover, the Authority has organized a social media communication campaign, launched on 13th March 2020, with the support of the Youth Advisory Panel. With hashtags #Istayathome #Everythingwillbefine, the young advisors of the Authority for Children and Adolescents mobilised to combat the spread of coronavirus. The messages, accompanied by a selfie of each member of the Youth Advisory Panel, remind all the people of the duty to avoid leaving home and going to crowded places, in order to protect their health as well as the health of the most vulnerable ones, in particular elderly and sick people. Above all, those messages represent an invitation to rediscover civil values of cohabitation at a time when each of us is called to rethink his/her own daily life.
- This initiative was disseminated via Instagram, Twitter and Facebook.