

Italy – Data Privacy

The Constitution of Italy provides privacy rights for all individuals. Italy, as a member of the European Union (“EU”), was required to implement the EU Data Protection Directive 95/46/EC (the “Directive”) into its national legislation. The Directive was implemented in Italy pursuant to Law No. 675 of December 1996 (the “Law”). The Law along with other legislative initiatives, were consolidated by way of the Data Protection Code, namely, Legislative Decree No. 196 of 30 June 2003 (the “Code”), which was enforced on 1 January 2004. The Code governs the collection, processing and use of personal data in the private and public sectors. The Supervisory Authority for Personal Data Protection (the “Authority”) enforces the Code.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	<p>Personal data may be processed in circumstances including where: 1) the employee consents to the processing, 2) the processing is necessary (a) for the performance of obligations resulting from a contract to which the employee is a party (N.B. an employment relationship is a de facto contract) or (b) to take steps at the employee's request prior to entering into a contract, or 3) for the performance of a lawful obligation.</p> <p>Sensitive data (e.g., racial or ethnic origin, political opinions, party affiliation, and religion) may be processed only if the employee gives his or her written consent and the processing is authorized by the Authority.</p>
<i>Disclosure/ Registration</i>	<p>Generally, an employer must not register with the Authority prior to processing employees' personal data.</p> <p>A duty of registration (so called notification) exists if data processing is carried out in specific cases (e.g. profiling, sensitive data bases).</p>
<i>Other Requirements</i>	<p>Personal data must be accurate and up-to-date.</p> <p>An employee has a right to object to the processing of his or her personal data.</p>
Transfer of Personal Data	
<i>Compliance Alternatives</i>	<p>Generally, employee consent is required for the transfer of personal data outside the EU. However, employee consent is not required if the cross-border data transfer is 1) necessary for the performance of obligations resulting from a contract to which the employee is a party, or in order to take steps at the employee's request prior to entering into a contract, or for the conclusion or performance of a contract made in the interest of the employee; or 2) authorized by the Authority.</p> <p>The Authority has authorized the transfer of personal data from Italy to countries outside the EU where the transfer is made using standard contractual clauses or where the laws of the country of destination ensure adequate protection of the data (e.g., Hungary and Switzerland).</p> <p>For the transfer of data to the US, Italy will view compliance with the US/EU Safe Harbor principles as compliance with the cross-border transfer law in Italy.</p>
<i>Other Requirements</i>	None applicable.

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans. With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.