



# Report on the application of the LED under Article 62 LED

## Questions to Data Protection Authorities/the European Data Protection Board (2025)

Fields marked with \* are mandatory.

### Background

The Data Protection Law Enforcement Directive (LED)[1] applies to domestic and cross-border processing of personal data by competent authorities for the purposes of preventing, investigating, detecting or prosecuting criminal offences and executing criminal penalties, including safeguarding against and preventing threats to public security. The LED takes a comprehensive approach to data protection in the field of law enforcement, including by regulating 'domestic' processing.

In 2022, the European Data Protection Board provided a consolidated contribution[2] of the individual replies of the DPAs to the questionnaire circulated in preparation of the 2022 Commission's first report. Following the Commission's presentation to the European Parliament and to the Council of the first report on the evaluation and review of the Directive in 2022[3], it is required to present a report every four years thereafter[4]. The Commission will present the second report in May 2026. Following the review the Commission shall, if necessary, submit appropriate proposals for amendments, in particular taking account of developments in information technology and in the light of the state of progress in the information society[5].

The LED stipulates that the Commission shall take into account the positions and findings of the European Parliament, of the Council and of other relevant bodies or sources[6]. The Commission may also request information from Member States and supervisory authorities. The Commission intends to consult Member States through the Council Working party on Data Protection. The European Union Agency for Fundamental Rights (FRA), is also conducting research based on interviews with competent authorities/prosecutors and Data Protection Authorities on the practical implementation of the LED.

For the purpose of the evaluation and review of the Directive, the Commission shall in particular examine the application and functioning of the LED provisions on international data transfers[7]. This questionnaire also

seeks to cover other aspects with particular relevance for the supervisory authorities, such as the exercise of their tasks and powers and their cooperation with each other, as well as the consistent application of the LED in the EU.

As this questionnaire intends to contribute to evaluating the LED, in your replies please provide information which falls under the scope of the LED. The reporting period covers the period from January 2022 to the 31 of August 2025. Please note that the European Commission intends to send out a version of this questionnaire on a yearly basis. Future versions will be aligned to the extent possible to the annual questionnaire on the GDPR.

The Commission would be grateful to receive the **individual replies to this questionnaire in its online form in English**, and the EDPB contribution to the LED review by 16 January 2026. In order for the EDPB to compile its contribution to the LED review, individual DPA replies should be submitted by 15 October 2025 eob.

Please note that your replies may be made public or may be disclosed in response to access to documents requests in accordance with Regulation (EC) No 1049/2001.

When there are several DPAs in your Member State, please provide a consolidated reply at national level.

**When replying, please take into account that the questions below concern the period from January 2022 to 31 August 2025.**

Following the input from other stakeholders, it is not excluded that the Commission might have additional questions at a later stage.

Deadline of submissions of the answers to the questions by DPAs: **15 October 2025 eob.**

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[1] Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.

[2] [https://www.edpb.europa.eu/sites/default/files/files/file1/edpb\\_contributiongdprevaluation\\_20200218.pdf](https://www.edpb.europa.eu/sites/default/files/files/file1/edpb_contributiongdprevaluation_20200218.pdf)

[3] Communication from the Commission to the European Parliament and the Council - [First report](#) on application and functioning of the Data Protection Law Enforcement Directive (EU) 2016/680 ('LED'), 25.7.2022 COM(2022) 364 final. Individual replies from data protection supervisory authorities to the European Commission's first evaluation of the LED in 2022 can be found [here](#).

[4] Article 62(1) LED

[5] Article 62(5) LED.

[6] Article 62(4) LED.

[7] Article 62(2) LED.

**Information:**

Please save your submission ID (by either downloading the PDF version of the submission or by copying it after the submission) in order to be able to later amend your submission.

If you would like to work on a submission before finalising it, please use the "Save as draft" button on the right-side panel of the published survey tab. You will be able to continue working on the submission with the given draft link. If you need to change a submission, please go to [Edit contribution](#). You will find all the required information on the [Help page for participants](#).

## Questionnaire

**We kindly ask the countries that have more than one SA to send us one consolidated reply.**

\* Please select your SA:

Italy

Please describe your role and function in your DPA.

*(Ideally the person answering this questionnaire works on the LED on a regular basis).*

Legal officer at the Service for International and EU Matters of the Italian Data Protection Authority ('Garante per la protezione dei dati personali').

## 1 Scope

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1.1 Have you ever raised a query/issued a decision relating to a competent authority's determination that a processing activity falls outside the scope of Union law (such as on the basis of national security) in accordance with Article 2(3)(a) LED?

- ☐ Yes  
☒ No

## 2 Exercise of data subjects' rights through the DPA

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2.1 Has Article 17 LED been implemented into your national law?

- ☒ Yes  
☐ No

2.1.a Please indicate per year how many requests under Article 17 LED have you received from January 2022 to 31 August 2025? (Please also include complaints lodged under Article 52 LED which your DPA decided to subsequently handle as an Article 17 LED request).

	2022	2023	2024	2025 (until August)
Number of requests (numbers only)	78	158	80	45

2.2 Is there an increase / decrease since the [last review](#)?

- ☒ Increase
- ☐ Decrease

### 3 Consultations and advisory powers

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3.1 Have competent authorities utilised the prior consultation procedure in accordance with Article 28 (1)(a) or (b) LED from January 2022 to 31 August 2025? In this context, did you provide written advice and/or use your corrective powers pursuant to Article 28(5) LED?

- ☒ Yes
- ☐ No

3.1.a In how many cases – please indicate this per year?

	2022	2023	2024	2025 (until August)
Number of cases (numbers only)	0	3	0	2

3.2 From January 2022 to 31 August 2025, have you established a list of processing operations that are subject to prior consultation pursuant to Article 28(3) LED or have you updated your previous list?

No.

3.3 With respect to the requirements set down in Article 28(2) LED, has your DPA been consulted systematically, from January 2022 to 31 August 2025?

Yes.

3.4 Please indicate the types of issues/topics on which you have been approached for advice thereby distinguishing between Article 28(1) LED and Article 28(2) LED (e.g. deployment of facial recognition cameras during identity checks based on existing laws, draft of legislative/regulatory measure for the deployment of facial recognition for a purpose under the LED, access to data in criminal investigations etc.)?

Prior consultation under Article 28 (1) LED:

- Use of body-worn cameras in territorial policing and judicial police operations by the Police Forces (2023)
- Data analysis and processing system to support financial investigations (2025)
- Video communication systems linking the Ministry of Justice and correctional facilities (2025)

Prior consultation under Article 28 (2) LED:

- Draft regulation concerning the operating procedures, access to, and consultation of the firearms and ammunition traceability system (opinion of 7 April 2022);
- Draft amendment to anti-money laundering legislation aimed at establishing a centralized database within self-regulatory bodies (opinion of 7 July 2022);
- Draft legislative decree on the efficiency of criminal proceedings, restorative justice, and the expedited conclusion of judicial proceedings (opinion of 1 September 2022), and on subsequent supplementary and corrective provisions (opinion of 21 December 2023);
- Draft decree concerning the “Regulation on the processing of personal data by Restorative Justice Centres” (opinion of 17 May 2023);
- Bill introducing amendments to the Criminal Code, the Code of Criminal Procedure, the Judicial System, and the Code of Military Justice (opinion of 3 August 2023);
- Draft decree concerning digital infrastructures for wiretapping (opinion of 28 September 2023);
- Draft regulation laying down transitional provisions for the telematic military criminal proceedings (opinion of 7 December 2023);
- Draft decree establishing the specific technical requirements for data management in inter-district digital infrastructures (opinion of 28 December 2023);
- Draft decree for the alignment of national legislation with Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (EPPO) (opinion of 22 February 2024);
- Draft ministerial decree concerning the activation of the digital archive for wiretapping (opinion of 22 February 2024);
- Draft decree laying down the technical rules for the adoption of information and communication technologies in civil and criminal proceedings (opinion of 6 June 2024).

Furthermore, as part of its advisory activity, the Garante was consulted by the Parliament:

- on 24 January 2023, in the context of the fact-finding inquiry on the issue of wiretapping;
- on 6 September 2023, in connection with the bill introducing amendments to the Criminal Code, the Code of Criminal Procedure, the Judicial System, and the Code of Military Justice (on which an opinion was also delivered on 3 August 2023);
- on 16 May 2024, in the context of the examination of the bill containing provisions on public security, the protection of law enforcement officers, victims of usury, and the penitentiary system.

## 4 Data breach notifications

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4.1 Does your DPA make a distinction between what constitutes a breach under the LED and a breach under the GDPR?

- ☒ Yes
- ☐ No



4.1.a From January 2022 to 31 August 2025, indicate per year how many data breach notifications under the LED have you received and in what percentage you advised or ordered competent authorities to take any necessary measures to either mitigate the risk posed or bring the processing into compliance with the LED?

	2022	2023	2024	2025 (until August)
Number of notifications (numbers only)	1	0	0	0
Percentage of measures advised or ordered	0	0	0	0

## 5 International transfers

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5.1 Have you encountered cases where a controller transferred personal data pursuant to Article 37(1)(a) LED?

- ☐ Yes  
☒ No

5.2 Have you encountered cases where a controller transferred personal data based on a 'self-assessment' pursuant to Article 37(1)(b) LED?

- ☐ Yes  
☒ No

5.3 Have you carried out any investigations into data transfers based on derogations, in particular those set out in Article 38(1)(c) LED and Article 38(1)(d) LED?

- ☐ Yes  
☒ No

5.4 Have you carried out activities to promote the awareness of controllers/processors (specifically) with respect to their obligations under Chapter V of the LED?

- ☐ Yes  
☒ No

5.4.b What prevented the carrying out of such activities to promote awareness?

The lack of sufficient human resources working on the LED.

5.5 Have you advised law enforcement competent authorities about their obligations with respect to data transfers under Chapter V (Articles 35-40) of the LED, for instance as regards the appropriate safeguards required under Article 37(1)(a), (b) LED? Have you issued any guidelines, recommendations and/or best practices in this regard?

No.

5.6 Have you received/handled complaints (by data subjects and/or bodies, organisations or associations in accordance with Article 55 LED) specifically addressing the issue of data transfers?

No.

5.7 Have you exercised your investigative and/or enforcement powers with respect to data transfers? In particular, have you ever imposed (temporary or definitive) limitations, including a ban, on data transfers?

No.

5.8 Have there been cases in which you have cooperated with foreign data protection authorities (for instance, exchange of information, complaint referral, mutual assistance)? Are there existing mechanisms on which you can rely for such cooperation?

No.

## 6 Awareness-raising, training and guidance

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6.1 From January 2022 to 31 August 2025, have you issued guidance and/or practical tools supporting competent authorities or processors to comply with their obligations?

☐ Yes

☒ No

## 7 Competence

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7.1 Have you faced any difficulties stemming from your national law or practical difficulties in supervising processing operations pursuant to Article 45 LED? Have you faced difficulties as regards the supervision of processing operations by courts when they do not act in their judicial capacity?

Pursuant to Section 37(6) of Legislative Decree No. 51 of 2018 (implementing Article 45(2) LED), the Italian Data Protection Authority is not competent for the supervision of processing operations of courts and public prosecutors when acting in their judicial capacity. Yet, the notion of “judicial authorities acting in their judicial capacity” can be interpreted under a functional or an institutional approach.

According to the latter, judicial authorities would always act in their judicial capacity, meaning that the supervisory authorities would in all cases lack competence; according to the “functional” interpretation, instead, it is necessary to distinguish between cases in which judicial authorities act in their judicial capacity and those in which they do not, and are therefore subject to the assessment of supervisory authorities. The functional interpretation also seems to be confirmed by recital 80 LED, according to which the exemption from the competence of data protection authorities “should be limited to judicial activities in court cases and not apply to other activities where judges might be involved in accordance with Member State law.” And that “In any event, the compliance with the rules of this Directive by the courts and other independent judicial authorities is always subject to independent supervision in accordance with Article 8(3) of the Charter”.

However, there does not appear to be a uniform application of Article 45(2) LED among Member States, particularly with regard to the notion of “judicial authorities acting in their judicial capacity” (CJEU, Case C-245/20, 24 March 2022; C-541/24, judgement of 5 June 2025).

By way of example, the question was raised in Italy regarding the publication of judgments on the information systems and institutional websites of judicial authorities and, in particular, whether such publication falls within the exercise of judicial capacity.

Finally, neither in relation to data processing governed by Regulation (EU) 2016/679, nor in relation to data processing governed by Legislative Decree No. 51/2018 and falling within the exemption established for judicial activities, has a specific supervisory authority been established within the judiciary under the Italian legal system.

7.2 For which independent judicial authorities, other than courts, are you not competent pursuant to Article 45 (2) LED, to supervise their processing operations?

Section 37(6) of Legislative Decree No. 51 of 2018 provides that the Italian data protection authority is not competent for the supervision of processing operations carried out by courts and public prosecutors when acting in their judicial capacity. In essence, Section 37 transposes the exemption already provided for in Article 45 LED and makes use of the discretion afforded to Member States in its transposition by extending the scope of application to the processing of personal data by public prosecutors acting in their judicial capacity, in light of the Italian constitutional principles of the independence and autonomy of the judiciary as a whole. In this regard, Title IV ("The Judicial Branch") and Section I ("The Organisation of the Judiciary ") of the Italian Constitution refer to both judges and public prosecutors, who are afforded common guarantees of independence and autonomy (first and foremost, see Article 104 of the Italian Constitution: " The Judiciary is a branch that is autonomous and independent of all other powers"). Although judges and prosecutors perform different functions, prosecutor's offices form part of the judiciary and participate in the exercise of judicial functions from the very outset of criminal investigations. Hence, under the Italian Constitution, the activities of public prosecutors are judicial in nature and, therefore, the investigation of criminal offences – including the activity of the judicial police (i.e., police forces operating under the direction of public prosecutors for the purpose of criminal investigation, and thus in the exercise of judicial functions) falls within the scope of Section 37(6) of Legislative Decree No. 51/2018.

## 8 Powers

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8.1 With respect to your investigative powers, do you consider them effective?

- ☒ Yes  
☐ No

8.2 Has your answer substantially changed since the [last review](#) (from 2018-2021)?

- ☐ Yes  
☒ No

8.3 Please indicate, per year (January 2022 to 31 August 2025), how many investigations and/or inspections you have conducted:

	2022	2023	2024	2025 (Until August)
On your own initiative (numbers only)	2	0	1	1
On the basis of complaints (numbers only)	0	0	0	0

8.4 Did you face any difficulties in exercising your investigative powers?

- ☐ Yes  
☒ No

8.5 Have there been any changes since the [last review](#) with respect to your corrective powers listed under Article 47(2)(a), (b – including rectification, erasure, restriction) and (c) LED?

- ☐ Yes  
☒ No

8.6 Do you consider your corrective powers effective?

- ☒ Yes  
☐ No

8.7 With respect to the effectiveness of your corrective powers, has your answer substantially changed since the [last review](#)?

- ☐ Yes  
☒ No



8.8 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers you have applied and in how many cases. Please list the powers used according to Article 47(2)(a) LED (warnings). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(a)	2022	2023	2024	2025 (until August)
SIS	0	0	0	0
VIS	0	0	0	0
Other	0	0	0	0

8.9 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers you have applied and in how many cases. Please list the powers used according to Article 47(2)(b) LED (compliance orders). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(b)	2022	2023	2024	2025 (until August)
SIS (please also specify whether you ordered the controller to provide access/delete data)	0	0	1 (several injunction orders pursuant to Section 32(c)(3)(d) of Legislative Decree 51 /2018 concerning the operation of the SIS, including identifying appropriate methods for comparison between data entry entities and system users and conducting a review of assigned accounts	0
VIS (please also specify whether you ordered the controller to provide access/delete data)	0	0	0	0
Other (please also specify whether you ordered the controller to provide access /delete data)	0	0	1 (injunction order to inform the Italian Data Protection Authority about critical issues that have been identified and measures taken)	2 (1 injunction order to erase personal data; 1 injunction order on information notice, logs, worker protection, remote access and international data transfer)

8.10 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers have you applied and in how many cases. Please list the powers used according to article 47(2)(c) LED (limitation of processing). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(c)	2022	2023	2024	2025 (until August)
SIS	0	0	0	0
VIS	0	0	0	0
Other	0	0	0	0

8.11 Have the competent authorities or processors complied with decisions issued since the [last review](#) where you exercised your corrective powers?

- ☒ Yes  
☐ No

8.12 If you have not used any of your corrective powers since the [last review](#), please provide reasons

8.13 Do you have the ability to impose an administrative fine?

- ☒ Yes  
☐ No

8.13.a Are there any limitations on your ability to impose an administrative fine?

- ☐ Yes  
☒ No

8.14 Total amount of fines imposed (from January 2022 until August 2025, numbers only, in € )

110000

8.15 Amount of the highest fine imposed (from January 2022 until August 2025, numbers only, in €)

60000

8.16 Average amount of the fines imposed (from January 2022 until August 2025, numbers only, in €)

55000

## 9 Power pursuant to Article 47(5) LED

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9.1 From January 2022 to 31 August 2025, have you exercised your power to bring infringements of your national law(s) transposing the LED to the attention of judicial authorities?

- ☐ Yes  
☒ No

9.2 From January 2022 to 31 August 2025, have you exercised your power to commence or otherwise engage in legal proceedings?

- ☐ Yes  
☒ No

9.3 Which difficulties, if any, did you face in exercising this power? (such as procedural difficulties in your national law, because it would create an outcry from your national parliament etc.) Please also state if you do not have the power to carry out either or both of these actions.

There are no difficulties in the exercise of this power.  
However, it should be pointed out that the Italian data protection authority tends not to commence legal proceedings for the purpose of bringing infringements before courts, since it has the power to establish infringements of the national law transposing the LED as well as the power to impose sanctions for controllers' unlawful conduct.

## 10 Cooperation

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10.1 Please indicate the number of Mutual Assistance requests under Article 50 LED (please indicate per year)

	2022	2023	2024	2025 (until August)
Launched	0	0	0	0
Received	0	0	1	1

10.1.a Please indicate the subject matter of the requests (including the type of cooperation – e.g. request for info, to carry out an investigation, inspection etc.)

Facial recognition carried out by the police; right to erasure of personal data.

10.2 Have you encountered any obstacles (e.g. of an administrative nature) when requesting or providing assistance to another DPA?

- ☐ Yes  
☒ No

10.3 Which EDPB guidelines have proven helpful for your work under the LED and/or of the controllers?

The EDPB Guidelines 05/2022 on the use of facial recognition technology in the area of law enforcement has proven helpful.

10.4 What are the topics that should be covered by future EDPB guidelines to foster the consistent application of the LED?

As EDPB we could provide guidance on the following topics:

- practical implementation of the derogations for specific situations envisaged by Article 38 LED with regard to international transfers of personal data;
- the interpretation of the concept of “competent authority” under the LED (recital 11 and Article 3(7) LED);
- the interplay between the LED and the GDPR with regard to the activities carried out by those competent authorities falling outside the LED (recitals 11, 12 and 34 and Article 9 LED);
- the legal basis for lawful processing of personal data under the LED (recital 33 and Article 8 LED);
- transparency obligations under Articles 12 and 13 LED.

## 11 Complaints





11.1 How many complaints have you received during this reporting period (i.e. from January 2022 to 31 August 2025)? Please state the number per year. How many of these were lodged by bodies, organisations or associations in accordance with Article 55 LED?

	2022	2023	2024	2025 (until August)
Total of complaints	124	208	157	135
Total of complaints lodged by bodies, organisations or associations in accordance with Article 55 LED	1	0	0	3

11.2 Has there been an increase in complaints following the [last review](#) (i.e. from January 2022 to 31 August 2025) in your Member State?

- ☒ Yes  
☐ No

11.2.a Please indicate approximate increase in percentages

11.3 From January 2022 to 31 August 2025, please indicate the issues raised most often in these complaints (multiple choices are possible):

- ☒ The respect of the proportionality and necessity principle
- ☒ The respect of the purpose limitation principle, including for subsequent processing (Article 4 (1) (b) LED)
- ☒ Data minimisation principle (Article 4 (1) (c) LED)
- ☒ Accuracy of the data (Article 4 (1) (d) LED)
- ☒ Storage limitation principle (Article 4 (1) (e) LED) and appropriate time limits (Article 5 LED)
- ☒ Accountability of the controller (Article 4 (4) LED)
- ☒ The determination of the legal basis (Article 8/Article 10 LED)
- ☒ The conditions related to the processing of special categories of personal data (Article 10 LED)
- ☐ Automated individual decision-making, including the right to obtain human intervention in automated individual decision - making (Article 11 LED)
- ☒ Modalities for exercising the rights (Article 12 LED)
- ☒ The right to information (Article 13 LED)
- ☒ Right of access by the data subject and limitations to this right (Articles 14 and 15 LED)
- ☒ The right to rectification or erasure of personal data (Article 16 LED)
- ☐ Exercise of the data subject's rights in the context of joint controllership (Article 21 LED)
- ☐ Data protection by design and by default (Article 20 LED)
- ☐ The obligation to keep track of the logs and purposes of processing regarding the logs (Article 25 LED)
- ☒ The obligation to conduct a data protection impact assessment (Article 27 LED)
- ☒ The obligation to ensure the security of processing, including data breaches (Articles 4 (1) (f), 29 LED)
- ☐ Other:

11.4 With respect to complaints made regarding the processing of special categories of personal data, what are the main infringements you have found with respect to the conditions set down in Article 10 LED (i.e., that the processing was not strictly necessary, including whether the competent authorities have demonstrated strict necessity, that the processing was not authorised by law, where you determined that the data hasn't been made manifestly public etc)? Has recent CJEU case-law (eg C-205/21, C-80/23) changed your approach?

The main infringements found in relation to the conditions set out in Article 10 of the LED concern the fact that processing was not authorised by law. Recent CJEU case law (e.g. C-205/21, C-80/23) has not changed the approach of the Italian Data Protection Authority, as it covered aspects other than the legal issues addressed in the above-mentioned case law.

## 12 Judicial review – contested decisions

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12.1 Please indicate the number of decisions/inactions per year (from January 2022 to 31 August 2025) that were challenged in court

	2022	2023	2024	2025 (until August)
Total number of decisions	0	0	0	0
Total number of inactions	1	0	0	0

12.1.a Please indicate, per year and per outcome, how many actions in court are pending, were considered to be inadmissible, or led to the DPA's decision being (partially) upheld - **Decisions:**

Decisions	2022	2023	2024	2025 (until August)
Pending judicial proceeding	0	0	0	0
Inadmissible action	0	0	0	0
DPA's decision upheld/partially upheld etc	0	0	0	0

12.1.b Please indicate, per year and per outcome, how many actions in court are pending, were considered to be inadmissible, or led to the DPA's decision being (partially) upheld - **Inactions**:

Inactions	2022	2023	2024	2025 (until August)
Pending judicial proceeding	0	0	0	0
Inadmissible action	0	0	0	0
DPA's decision upheld/partially upheld etc	0	0	1 (the DPA lost in court)	0

12.1.c What were the main aspects challenged (e.g., a decision of a DPA may be challenged on more administrative issues' aspects, such as the fine amount or just concern a more LED-related issue, e.g., the right to erasure - either substantial matters or administrative matters for the DPAs' decision) and by who (competent authority /processor/ data subject)?

Access to and erasure of personal data stored in the SIS database.

## 13 Human, financial and technical resources

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13.1 Please indicate the number of full-time equivalents working on the LED. Please provide data per year (from January 2022 to 31 August 2025). What percentage of overall staff does this represent (per year)?

	2022	2023	2024	2025 (until August)
Full-time equivalents working on the LED.	1.8	1.8	1.4	3.5
Percentage of overall staff	1.33%	1.20%	0.77%	1.93%



13.2 How would you assess your DPA's resources for its work on the LED from a human and financial point of view?

- ☐ Sufficient  
☒ Insufficient

13.2.a Please explain why:

In light of the findings concerning question 13.1 concerning the shortage of staff working on the LED and the significant workload placed on each of the officials in the Department, including at supranational level, the human resources assigned to the LED are clearly insufficient.

13.3 Do you face any specific challenges when supervising competent authorities in terms of expertise (criminal law / new technologies) and IT resources?

- ☒ Yes  
☐ No

13.3.a What challenges are you facing? (Multiple choice is possible)

- ☐ Insufficient expertise in criminal law  
☐ Insufficient expertise in working methods and practices of law enforcement authorities  
☐ Insufficient expertise in international cooperation in criminal matters  
☐ Insufficient expertise in technologies used in the area of law enforcement  
☒ Insufficient IT resources  
☐ Other challenges

13.3.a.5 Insufficient IT resources - please provide more details and advise on what would assist to overcome these challenges:

We do not have sufficient IT resources in terms of equipment. However, the funding granted to the Italian Data Protection Authority under the National Recovery and Resilience Plan ('PNRR') will be useful in addressing this issue in the coming months.

13.4 Have you used the EDPB Support Pool of Experts for LED related tasks?

- ☐ Yes  
☒ No

13.4.b Please provide more details:

## 14 Horizontal questions

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14.1 Have you identified any significant problems regarding the transposition of the LED in your Member State that were not mentioned in the [last review](#)?

- ☒ Yes  
☐ No

14.1.a Please provide more details:

- It should be noted that in December 2021, the amendment to Section 5(1) of Legislative Decree No. 51/2018 came into force, implementing the LED into Italian law. In particular, this amendment provided that processing is lawful if it is necessary for the performance of a task carried out by a competent authority for the purposes of prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, as well as if it is based on European Union law or on provisions of law or regulation or on general administrative acts that identify the personal data and the purposes of the processing. Therefore, in the near future, it will be necessary to verify whether this additional source (general administrative act), which was introduced by the said amendment, can effectively contribute to ensuring the implementation of the objectives of the LED.
- As regards the previous LED assessment, in relation to the long-running failure to implement the secondary legislation provided for in the national law implementing the LED (Section 5, paragraph 2, of Legislative Decree 51/2018) aimed at specifying essential elements of processing such as data retention periods, persons entitled to access data, methods of access, and methods and conditions for exercising rights, it should be noted that a legislative amendment is under discussion. This amendment aims to repeal the provision requiring the adoption of such secondary regulation; the repeal of the decrees referred to in Section 5 (2) of Legislative Decree 51 of 2018 is nevertheless expected to be followed by a rearrangement action aimed at facilitating a review of the processing carried out for criminal justice and police purposes.
- It should also be noted that this Authority is not aware of the establishment of any specific independent supervisory bodies responsible for monitoring compliance with the provisions of the LED by judicial authorities in the exercise of their functions (recital 80 LED, last part and by analogy with recital 20 GDPR; CJEU, joined cases C-313/23, C-316/23, C-332/23, judgment of 30 April 2025 paragraph 121).

14.2 Have there been any amendments to your national law implementing the LED from January 2022 to 31 August 2025?

- ☐ Yes  
☒ No

14.3 Is there anything else you would like to mention relevant for the LED evaluation that is not covered in this questionnaire?

- ☐ Yes  
☒ No

14.4 Please add the topics and/or policy messages you would like to include in the EDPB report. Elaborate the reasons why, in your view, such topics should be included.

- No consistency appears to exist in the interpretation of Article 45(2) of the LED among Member States, particularly with regard to the concept of “judicial authority in the exercise of its judicial functions” (CJEU, Case C-245/20, 24 March 2022, C-541/24, judgment of 5 June 2025).
- Building on recent European legislation on large-scale IT systems, where the purpose of processing is often twofold and related to border and immigration control and law enforcement, it would be advisable to draw the European Commission's attention to the consequences of applying different legal regimes to data processing carried out through the same information system, GDPR and LED respectively (CJEU, case C-180/21, judgment of 8 December 2022).
- It is recommended that consideration be given to establishing mechanisms for liaison between the DPOs of the competent authorities (Article 2(1) LED) and the data protection authorities, as well as initiatives to support the aforesaid DPOs in training and raising awareness among staff involved in the processing of data regulated by the LED (Article 34 LED).

## Contact

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