



TOSI & PARTNERS

HIGH-TECH LEGAL

TOSI & PARTNERS – High Tech Legal was founded in 1980, with its main seat in Milan as well as an office in Rome. Today, the firm is a law boutique of 15 people between partners, associates and staff with academic expertise in data protection, IP/ICT and high-tech corporate legal issues. The firm also offers advice pertaining to corporate, banking, ‘231’ compliance, litigation, arbitration and real estate. It is led by managing partner Prof. Avv. Emilio Tosi, a lawyer in Milan and a professor of Contract and High Tech Law at the University of Milan.

Prof. Tosi noted that doing business in Italy requires a preliminary analysis of data protection issues. Before starting a business, it is important to check types of data – common or sensitive – and sites of data processing – Italy, EU, extra EU – as well as purposes and means of processing and duration.

He added: “All of this fundamental data shall be collected in an information privacy sheet called ‘Informativa Privacy’ for communication to every data subject, in order to let them get acquainted with the main aspects of processing and rights – i.e. the right to cancel data if it is wrong, or the right to integrate incomplete data”.

“Also, an annual update of a general document called ‘Documento Programmatico per la Sicurezza’ (DPS), containing the complete description of corporate security data measures implemented to protect databases, must be updated by the 31st of March of every year.”

When asked about the potential repercussions for those foreign investors who do not pay adequate attention to issues of database protection, Prof. Tosi added that not complying with Data Protection Code means to undergo the risk of data process stopping by the Italian Data Protection Authority (Garante per la protezione dei dati personali), as well as risk of administrative fines and heavy criminal sanctions.

Prof. Tosi furthermore noted: “In addition, in recent years, investors have developed greater attention to the special issues of data protection and data security, as well as due diligence checking of data base in company acquisitions. This is not only for fine increases and criminal sanctions, but also for acknowledgement of added value of corporate data policies being a factor appreciated by consumers and, consequently, enhancing competition power of the incoming investor in the Italian market”.

“Meanwhile, TOSI & PARTNERS’ own upcoming case work may be affected by the recent Law n.106/2011, a major simplification process of data privacy duties. It can be summarised highlighting – among other things – the abrogation of data protection duties as regards processing of data referred to sole corporate entities’ relationships for administrative purposes”.