

## **Title I** **General Principles**

### **Art. 1** **The general principle of transparency**

1. Transparency is seen as full accessibility to the data and documents held by the public administrations, for the purpose of protecting the fundamental rights of citizens, promoting the participation of any interested party in the administrative activities, and fostering widespread forms of control on the pursuance of the institutional functions and the use of public funds.
2. Transparency, without prejudice to the provisions ruling the state secret, professional secrecy, statistical secrecy and protection of personal data, contributes to the implementation of the democratic principle and the constitutional principles of equality, impartiality, smooth running, responsibility, effectiveness and efficiency in the utilization of public funds, integrity and loyalty in the service to the country. Transparency is a condition for guaranteeing individual and collective freedoms, as well as civil, political and social rights, it adds up to the right to a good administration and contributes to the realization of an open administration, at the service of citizens.
3. The provisions of this decree, as well as the rules of implementation adopted pursuant to article 48, contribute to identify the essential level of the services provided by the public administrations for the purposes of transparency, prevention, fight against corruption and bad administration, pursuant to article 117, paragraph 2, letter m) of the Italian Constitution and also constitute the exercise of the function of coordination of the data held by central, regional and local administrations from an information, statistical and IT perspective, envisaged by article 117, paragraph 2, letter r), of the Italian Constitution.

### **Art. 2** **Object**

1. The provisions of this decree govern the right of whomever to freely access the data held by the public administrations and by the other subjects indicated in article 2-bis, *i.e.*, a right that is guaranteed, without prejudice to the restrictions imposed in relation to the need to protect public and private interests that are deemed to be legally relevant, through the public access and the publications of documents, information and data concerning the organization and activities of the public administrations, and the modalities for their implementation.
2. For the purposes of this decree, "publication" means the publication on the institutional websites of the public administrations, pursuant to the specifications and technical rules set out in Annex 1, of documents, information and data concerning the organization and activities of the public administrations, in relation to which every citizen is granted a direct and straightforward access to such websites, without being identified and authenticated.

### **Art. 2-bis** **(Subjective scope of application)**

1. For the purposes of this decree, "public administrations" shall mean all the administrations under article 1, paragraph 2, of Legislative Decree n. 165 dated 30 March 2001, as subsequently amended, including port authorities, as well as independent administrative authorities having protection, supervisory and regulatory powers.
2. The same rules governing the public administrations under paragraph 1 shall also apply, *mutatis mutandis*, to:

- a) economic public bodies and professional associations;
  - b) public control bodies as defined by article 2 of the legislative decree issued for the purpose of implementing article 18 of Law no. 124 of 7 August 2015. Listed companies as defined by the aforesaid decree are excluded;
  - c) private associations, foundations and bodies however named, including those without legal personality, having a budget exceeding five hundred thousand Euro, whose activity is for the most part financed, for at least two consecutive fiscal years in the last three-year period, by public administrations and in which all of the members/participants of their bodies of management or direction are appointed by public administrations.
3. The same legislation governing the public administrations under paragraph 1, shall apply, *mutatis mutandis*, only with respect to the data and documents concerning the activity of public interest regulated by domestic law or European law, to semi-public companies as defined by the legislative decree issued for the purpose of implementing article 18 of Law no. 124 of 7 August 2015, and the associations, foundations and private bodies, including those without legal personality, having a budget exceeding five thousand Euro, and performing administrative functions, activities of production of goods and services in favour of public administrations or of management of public services.

### **Art. 3 Publication and right to know**

1. All documents, information and data made available to citizens, including those the disclosure of which, pursuant to the current legislation, is mandatory, are public and, as such, can be freely accessed, used and re-used by whomever pursuant to article 7.

*1-bis.* By a resolution adopted, after a public consultation, in accordance with the principles of proportionality and simplification, and for the exclusive purpose of reducing the charges to be borne by the subjects under art. *2-bis*, the Italian National Anti-Corruption Authority, after having heard the opinion of the Italian Data Protection Authority in case of publications containing personal data, may identify the data, information and documents subject to mandatory publication pursuant to the legislation currently in force, in relation to which the publication of their entire text is replaced by a summary prepared through a process of aggregation. In these cases, the access to the entire text of the data and documents is governed by article 5.

*1-ter.* In the National Anti-corruption Plan, the National Anti-corruption Authority may specify, in accordance with the provisions herein, the requirements to be met in relation to the publications and the relevant rules of implementation, depending on the nature of the subjects, their organizational size and the carried out activities, envisaging in particular simplified modalities for municipalities with less than 15,000 inhabitants, and for professional associations and boards.

### **Art. 4 (REPEALED)**

### **Art. 4-bis (Transparency in the use of public funds)**

1) The Agency for Digital Italy, acting in consultation with the Italian Ministry of Economy and Finance, for the purposes of promoting the access and improving the comprehension of the data related to the use of public funds, manages a website called "Public Money" through which it is possible to access the data concerning the payments made by the public administrations, and to consult, in relation to such payments, the type of the cost incurred, the administrations who incurred the cost, and when.

- 2) Each administration shall publish on its own website, in a clearly visible area of the section named "Transparent Administration", the data concerning its own payments, by making available for consultation the type of cost incurred, the relevant time and beneficiary.
- 3) Article 15 to 20 shall apply to staff related costs.
- 4) No new or higher cost shall derive for the public finance from the provisions of paragraphs 1 and 2. The involved administrations shall meet the relevant requirements within the scope of the human, instrumental and financial resources available under the legislation currently in force.

**Title I-BIS**  
**RIGHT OF ACCESS TO DATA AND DOCUMENTS**

**Art. 5**  
**(Public access to data and documents)**

1. The obligation to publish documents, information or data, envisaged for the public administrations by the legislation currently in force, entails the right of everyone to request the publication of any document, information or datum the publication of which has been omitted.
2. For the purpose of fostering widespread forms of control on the pursuance of the institutional functions and the use of public funds and promoting the participation to the public debate, everyone has the right to access the data and documents held by the public administrations other than the ones subject to publication pursuant to this decree, without prejudice to the restrictions imposed in relation to the need to protect legally relevant interests as provided for by art. 5-bis.
3. The exercise of the right referred to in paragraphs 1 and 2 is not subject to any restriction as far as the applicants' credentials are concerned. The application for public access shall specify which data, information or documents are requested giving no reason in relation thereto. The application may be sent either electronically in accordance with the modalities set out in Legislative Decree n. 82 of 7 March 2005 as subsequently modified, or directly to one of the following offices:
  - a) the office holding the data, information or documents;
  - b) the public relation office;
  - c) any other office indicated by the administration in the section "Transparent Administration" of its institutional website
  - d) the person in charge of preventing corruption and guaranteeing transparency, if the application concerns data, information or documents the publication of which, pursuant to this decree, is mandatory.
4. No cost shall be applied to the data or documents released in an electronic format or in hard copy except for the cost actually incurred and duly documented by the administration for reproducing such data and documents on physical devices.
5. Without prejudice to the cases of compulsory publication, if the recipient (administration) of the application identifies parties, if any, that may oppose to the publication, pursuant to article 5-bis, paragraph 2, of the law, it shall notify any such party thereof by sending a copy of the application by registered letter with acknowledgment of receipt, or by telematics means to those who have given their consent to this kind of communication. Within ten days from the date of receipt of such notice, said parties may submit, also by telematic means, a reasoned statement of opposition to the access application.

From the date on which the notice is sent to the aforesaid parties, the term under paragraph 6 is suspended until an opposition, if any, is received from the latter. Upon expiry of said term, and after having acknowledged receipt of such communication, the public administration shall process the request.

6. The public access procedure must be completed with the issuance, within thirty days from the date of submittal of the relevant application, of an express and reasoned decree to be sent to the relevant applicant and the opposing parties, if any. If the application is accepted, the administration shall promptly provide the applicant with the data or documents requested, or, in case the application concerns data the publication of which is mandatory pursuant to this decree, shall publish the data, information or documents requested on the website and shall notify the applicant thereof, by also providing the relevant hyperlink. If the application is accepted, despite the opposition of other parties, without prejudice to the cases in which it is demonstrated that the release cannot be postponed, the administration shall notify the opposing party thereof and shall send the data or documents requested to the relevant applicant not earlier than fifteen days from that date of receipt of the notice by the opposing party. If the access application is rejected, postponed or restricted, reasons must be given making reference to the cases and subject to the limits set out in art. 5-*bis*. hereto. The person responsible for the prevention of corruption and for transparency, may ask information about the results of the applications to the offices of the relevant administration.

7. In the event of a total or partial rejection of the access or if no response is given in relation thereto within the term indicated in paragraph 6 above, the applicant may submit the request for review indicated in art. 43, to the person responsible for the prevention of corruption and for transparency, who will make its decision by issuing a reasoned measure within twenty days. If the access is denied or postponed in order to protect the interests under art. 5-*bis*, paragraph 2, letter *a*), the aforesaid person responsible for the prevention of corruption and for transparency shall make its decision, having heard the opinion of the Italian Data Protection Authority, who shall respond within ten days from the date of receipt of the application. From the date on which the notice is sent to the Italian Data Protection Authority, the term within which the person responsible for the prevention of corruption and for transparency has to make its decision, shall be suspended until the opinion of the Data Protection Authority is received or in any case for a period not exceeding the abovementioned ten day period. The applicant may lodge an appeal with the Regional Administrative Court pursuant to art. 116 of the Code of Administrative Proceeding under Legislative Decree n. 104 of 2 July 2010, against the decision taken by the competent administration or, if the applicant has submitted a request for review, against the decision taken by the person responsible for the prevention of corruption and for transparency.

8. If the object of the application are acts of the regional administrations or local entities, the applicant may also lodge an appeal with the Ombudsman having territorial jurisdiction, if appointed. If no Ombudsman has been appointed, the case shall be referred to the Ombudsman competent for the immediately higher territorial scope. The appeal shall also be notified to the interested administration. The Ombudsman shall make its decision within thirty days from the date on which the appeal is lodged. If the Ombudsman deems unlawful the rejection or the postponement, it shall inform the applicant and the competent authority thereof. If the latter confirms the rejection or postponement within thirty days from the date of receipt of the Ombudsman's notice, the access will be permitted. If the applicant has resorted to the Ombudsman, the term under art. 116, paragraph 1, of the Code of Administrative Proceeding, shall start from the date of receipt by the applicant of the outcome of the application that it has sent to the Ombudsman. If the access is denied or postponed to protect the interests under art. 5-*bis*, paragraph 2, letter *a*), the Ombudsman shall make its decision, having heard the opinion of the Italian Data Protection Authority, who shall decide within ten days from the request. From the sending date of the notice to the Italian Data Protection Authority, the term within which the Ombudsman can make its decision shall be

suspended, to the day on which the opinion of the Data Protection Authority is received and in any case for a period not exceeding the aforesaid ten days.

9. If the application is accepted, the opposing party may submit a request for review pursuant to paragraph 7 and lodge an appeal with the Ombudsman pursuant to paragraph 8.

10. If the application for public access concerns data, information or documents the publication of which is mandatory pursuant to this decree, the person responsible for prevention of corruption and for transparency has the obligation to send the alert provided for by art. 43, paragraph 5.

11. Without prejudice to the obligations of publication envisaged by Title II, as well as the various forms of access of the interested parties envisaged by Title V of Law n. 241 of 7 August 1990.

**Art. 5-bis**  
**(Exclusions and restrictions on public access)**

1. The public access under art. 5, paragraph 2, is rejected if the denial is necessary to avoid a material damage to the protection of one of the public interests concerning:

- a) public order and safety;
- b) national safety;
- c) defence and military issues;
- d) international relationships;
- e) the politics and the economic and financial stability of the State;
- f) the carrying out of investigations on offences and their prosecution;
- g) the smooth conduct of inspection activities.

2. The access under art. 5, paragraph 2, is also rejected if the denial is necessary to protect one of the following private interests and prevent them from being materially prejudiced:

- a) personal data protection, in accordance with the applicable legislation;
- b) freedom and secrecy of correspondence;
- c) commercial and economic interests of individuals or legal entities, including their intellectual property, copyright and trade secrets;

3. The right under art. 5, paragraph 2, is excluded in case of State secrets and in any other case in which the access and disclosure is prohibited by the law, including the cases in which the access is subject to the legislation currently applicable to compliance with specific conditions, modalities or restrictions, including those provided for by art. 24, paragraph 1, of Law n. 241 of 1990.

4. Without prejudice to the obligations of publication envisaged by the legislation currently in force. If the restrictions under paragraphs 1 and 2 concern only certain data or certain parts of the document requested, the access to the other data or the other parts shall be permitted.

5. The restrictions under paragraphs 1 and 2 shall apply only to the period in which the protection is justified in relation to the nature of the data. Public access cannot be denied if, for protecting the interests under paragraphs 1 and 2, it will suffice to resort to the power of postponement.

6. For the purposes of defining the exclusions and restrictions imposed on the public access under this article, the Italian National Anticorruption Authority, acting in accordance with the Italian Data

Protection Authority and having heard the opinion of the Unified Conference (*Conferenza Unificata*) under art. 8 of Legislative Decree n. 281 of 28 August 1997, shall adopt the operational guidelines.

**Art. 5-ter**  
**(Access to data on statistical units for scientific purposes)**

1. The entities and offices of the Italian National Statistical System pursuant to Legislative Decree n. 322 of 6 September 1989, hereinafter referred to as, "*Sistan*", may grant access for scientific purposes to data on statistical units, arranged in such a way as to make it impossible for them to be directly identified, provided that:

a) the access is requested by researchers belonging to universities, research entities, public and private institutions or their research centres, included in the list prepared by the Statistical Office of the European Union (Eurostat) or meeting the requirements set out pursuant to paragraph 3, letter a), further to an assessment conducted by the same subject of *Sistan* that will grant the access and approved by the Committee under the same paragraph 3;

b) a non-disclosure agreement is undersigned by a subject authorized to represent the applicant specifying the conditions of use of the data on statistical units, the obligations of the researchers, the measures envisaged should the obligations assumed be breached, as well as the measures adopted to protect the confidentiality of the data;

c) a research proposal is submitted and found to be appropriate on the basis of the criteria set out at paragraph 3, letter b), by the same subject of *Sistan* that will grant the access. The project shall specify the purpose of the research, the reason for which such purpose cannot be pursued without the use of the data on the statistical items, the name of the researchers who will access the data on the statistical items, the data required, the methods of the research and which results are expected to be disseminated. As many confidentiality statements as are the researchers who will access the data on the statistical items, shall be attached, duly signed by the researchers, to the proposal. It is forbidden to process such data for purposes other than the ones provided for in the research project, to store them for a period exceeding the duration of the project, to disclose the data to third parties and to disseminate them: failure to comply with the foregoing shall result in the imposition of the sanction envisaged by art. 162, paragraph 2-*bis*, of Legislative Decree n. 196 of 30 June 2003.

2. The data on the statistical units under paragraph 1, given their nature as well as the risks and consequences that may result from their unlawful disclosure, shall be made available to the researchers in the form of a file to which methods of controls have been applied in order to prevent the identification of the statistical unit. In case of reasoned requests, from which it emerges the necessity to know the data for the purposes of the research and the impossibility to find alternative solutions, the files made available shall consist of files to which such methods have not been applied, provided that such files are used in the laboratories set up by the controller of the statistical processing to which the data refer. The files shall be accessible also by remote through laboratories organized and managed by a subject deemed suitable and provided that: the release of the results of the relevant processing is authorized by the person responsible for the same laboratory; the results of the research make it impossible to identify the statistical units, in compliance with the legislation applicable to statistical secrecy and personal data protection, and, should the files be used within the scope of joint projects aimed, among other things, at pursuing institutional tasks of the controller of the statistical processing to which the data refer, on the basis of specific protocols of research undersigned by the researchers involved in the project, in which the rules applicable to statistical secrecy and personal data protection are recalled.

3. By a deed to be issued pursuant to art. 3, paragraph 6, of Presidential Decree n. 166 of 7 September 2010, the Italian Committee of Direction and Coordination of Statistical Information (*Comstat*), having heard the opinion of the Italian Data Protection Authority and relying on *ISTAT*'s support, shall adopt the guidelines for implementing the provisions of this article. *Comstat* shall set out in particular:
- a) the criteria for recognizing the entities under paragraph 1, letter a), having taken into account the institutional purposes pursued, the activity carried out and the internal structure related to the research activity, as well as the measures adopted to ensure the security of the data;
  - b) the criteria for accepting the research projects, having taken into account the purpose of the research, the necessity to have available the requested data, the expected results and benefits, and the methods adopted for their analysis and dissemination;
  - c) the manners in which the physical and virtual laboratories under paragraph 2 are organized and operated;
  - d) the criteria for accrediting the operators of the virtual laboratories, having taken into account the institutional purposes, the adequacy of the organisational structures, and the measures adopted for the management and security of the data;
  - e) the consequences resulting from the failure, if any, to fulfil the obligations assumed by the research entity and by each individual researcher.
4. The lists of the accredited research entities and the files of the data on statistical units made available, are published on the institutional websites of *Sistan* and of each *Sistan*'s entity.
5. The provisions of this article shall also apply to the data concerning legal entities, entities or associations.

**Title I-TER**  
**PUBLICATION OF DATA, INFORMATION AND DOCUMENTS**

**Art. 6**  
**(Quality of the information)**

1. The public administrations shall guarantee the quality of the information posted on the institutional websites in compliance with the duties of publications provided for by the law, ensuring the integrity of the information, and the fact that such information is up to date, complete, prompt, ready for consultation, easy to understand, homogeneous, easily accessible, as well as consistent with the original documents held by the administration, and that it contains an indication of its origin and of how it can be reused in accordance with the provisions of article 7.
2. The necessity to ensure an adequate quality of the information can, under no circumstances, constitute a reason for omitting or delaying the publication of the data, information and documents.

**Art. 7**  
**Open data and reusability**

1. The documents, information and data the publication of which is mandatory pursuant to the legislation in force, made available also as a result of the public access referred to in article 5, are published in an open format pursuant to article 68 of the Code of Digital Administration under Legislative Decree n. 82 of 7 March 2005, and can be reused pursuant to Legislative Decree n. 36 of 24 January 2006, Legislative Decree n. 82 of 7 March 2005, and Legislative Decree n. 196 of 30

June 2003, with no restriction other than the obligation to quote the source and to respect its integrity.

**Art. 7-bis**  
**(Reuse of published data)**

1. The obligations to publish personal data other than sensitive and judicial data referred to in article 4, paragraph 1, letters d) and e), of Legislative Decree n. 196 of 30 June 2003, entail the possibility to disseminate such data through institutional websites, as well as to process them in such a way as to ensure their indexing and traceability through web browsers and their reutilization pursuant to article 7 and in accordance with the principles applicable to the processing of personal data.
2. The publication on the institutional websites, in accordance with this decree, of the data related to the holders of bodies issuing political guidelines, and of offices or tasks of direct cooperation, as well as related to the directors of administrative bodies, is aimed at bringing transparency to the public sector, *i.e.*, something which adds up to the achievement of a goal of significant public interest in accordance with the rules applicable to the protection of personal data.
3. The public administrations may decide to publish on their institutional websites data, information and documents that they are not obliged to publish pursuant to this decree or on the basis of a specific law or regulatory provision, subject to the restrictions set out in art. 5-*bis*, by making anonymous the personal data, if any, contained therein.
4. Where the law or regulations provide for the publication of acts or documents, the public administrations shall make, with respect to the specific purposes of transparency of the publication, unintelligible any personal data that it is not relevant or, in case of sensitive or judicial data, not essential.
5. The information concerning the performances of anyone in charge of a public function and his/her assessment shall be made accessible by the relevant administration. It is not permitted to publish, except in the cases provided for by the law, information concerning the nature of the diseases and family problems that prevent the relevant employee from going to work, as well as the components of the performance assessment or the information concerning the employment relationship between the aforesaid employee and the administration, which are capable of disclosing any of the data referred to in article 4, paragraph 1, letter *d*) of Legislative Decree no. 196/2003.
6. The restrictions on the access and dissemination of the information referred to in Article 24, paragraphs 1 and 6, of Law n. 241 of 7 August 1990, as subsequently amended, of all of the data referred to in article 9 of Legislative Decree n. 322 of 6 September 1989, and of those provided for by the EU legislation concerning the protection of statistical confidentiality, and of those which are expressly qualified as confidential by domestic and European regulations on statistics, as well as those relating to the dissemination of data capable of disclosing health and sex life shall be maintained.
7. The Commission referred to in article 27 of Law n. 241 of 7 August 1990, shall continue to operate also after the expiry of the mandate provided for by the legislation currently in force, without any charges for the State budget.
8. The services of aggregation, extraction and massive transmission of documents stored in databases made available on the web, are beyond the scope of this decree.



**Art. 8**  
**(Effective date and duration of the obligation to publish)**

1. Documents containing acts subject to mandatory publication pursuant to the legislation currently in force, are immediately published on the administration's institutional website.
  2. Documents containing other data and information subject to mandatory publication pursuant to the legislation currently in force, shall be published and kept up to date pursuant to the provisions of this Decree.
  3. Data, information and documents subject to mandatory publication pursuant to the legislation currently in force, shall be published for a period of 5 years, starting from January 1 of the year following the year from which the publication becomes mandatory and in any case until the published acts produce their effects, without prejudice to any other term set out by the legislation on the processing of personal data and by the provisions of article 14, paragraph 2, and of article 15, paragraph 4. Upon expiry of such terms, the data shall become accessible pursuant to article 5.
- 3-bis. The Italian National Anti-corruption Authority, after having valued the risk of corruption, the need of simplification and the requests for access, shall determine, also upon invitation of the Italian Data Protection Authority, the cases in which the duration of the publication of the data and of the document may be shorter than 5 years.

**Art. 9**  
**Access to the information published on the websites**

1. In order to make fully accessible the information published, a specific section called "Transparent Administration" shall be placed on the homepage of the institutional websites. Such section shall contain the data, information and documents published in accordance with the legislation currently in force. Administrations are not allowed to use filters or other technical solutions to prevent web search engines from indexing and making searches inside the "Transparent Administration" section. In order to avoid possible duplications, such publication may be replaced by a hyperlink directing to the section of the website containing the relevant data, information or documents, ensuring the quality of the information referred to in Article 6.
2. Paragraph 2 **REPEALED**

**Art. 9-bis**  
**(Database publishing)**

1. Public administrations holding the databases referred to in Annex B shall publish the data contained in said databases, corresponding to the obligations to publish set forth in the present decree, indicated in the same, with the requirements laid down in Article 6, if compatible with the modalities of collection and processing of the data.
2. In the cases referred to in paragraph 1, only with respect to the data actually contained in the databases mentioned in that paragraph, the subjects under art. 2-bis shall fulfill the publication obligations provided for in this decree, indicated in Annex B, by communicating the data, information or document held by them to the administration that is the holder of the relevant database, and publishing on their institutional websites, in the section called "Transparent Administration", the hyperlink directing, respectively, to the database containing the relevant data, information or documents.

3. In the event that, on the databases, no publication has been made of the data which, pursuant to paragraph 2, must be and were actually communicated, the request for public access, referred to in article 5, shall be submitted to the person responsible for the prevention of corruption and for transparency of the administration that is the holder of the database.
4. If the omitted publication of the data by the public administrations referred to in paragraph 1 is attributable to the subjects under paragraph 2, the request for civic access referred to in article 5 shall be submitted to the responsible for the prevention of corruption and for transparency of the administration required to make the communication.

**Art. 10**  
**(Coordination with the Three-Year Plan for the Prevention of Corruption)**

1. Each administration shall specify, in a separate section of the Three-Year Plan for the Prevention of Corruption referred to in article 1, paragraph 5 of Law no. 190/2012, the persons responsible for the transmission and publication of the documents, information and data pursuant to this decree.
2. Paragraph two **REPEALED**
3. The promotion of higher levels of transparency shall be the strategic goal of each administration, which shall result in the definition of organizational and individual objectives.
4. Public administrations shall ensure utmost transparency in every phase of the performance management cycle.
5. For the purposes of reducing the cost of the services, using the information and communication technologies, as well as of the consequent labour cost savings, the public administrations shall identify, on an annual basis, the services furnished to both intermediate and end users, pursuant to article 10, paragraph 5, of Legislative Decree n. 279 of 7 August 1997. The administrations shall also look after the calculation of the costs, distinguishing between the costs actually incurred and the costs attributed to employees for each service provided, as well as the monitoring of how these will progress over the time, publishing the relevant data pursuant to article 32.
6. Each administration shall illustrate the Plan and the Performance Report, referred to in article 10, paragraph 1, letters a) and b) of Legislative Decree no. 105/2009, to consumers' and users' associations, research centers, and other qualified observers, at events dedicated to transparency, with no new or higher cost for the public budget.
7. **REPEALED**
8. Each administration shall publish on its institutional website in the section called "Transparent Administration" referred to in article 9:
  - (a) The Three-Year Plan for the Prevention of Corruption;
  - (b) The Plan and the Report referred to in article 10 of Legislative Decree n. 150 of 27 October 2009;
  - (c) The names and *curricula* of the members of the independent assessment bodies referred to in article 14 of Legislative Decree no. 150/2009.
  - (d) **CANCELLED**
9. Transparency is also very important for the purposes of determining the quality standards of the public services to be implemented through service cards pursuant to article 11 of Legislative Decree n. 286 of 30 July 1999, as amended by article 28 of Legislative Decree n. 150 of 27 October.

*Art. 11 (REPEALED)*

**Article 12**

**(Publication requirements concerning deeds of a general administrative and normative nature)**

1. Without prejudice to what has been provided for in relation to publications in the Official Gazette of the Italian Republic by Law n. 839 of 11 December 1984, and by the relevant implementing rules, public administrations shall publish on their institutional websites the normative references and the links directing to the provisions of the state laws published in the database called «Normattiva» governing their establishment, organization and activity. Directives, circular letters, programs and instructions issued by the administration and any deed, required by the law or otherwise adopted, in which decisions are taken, in general, on the organization, functions, goals, procedures, or in which it is determined the interpretation of legal rules affecting them or in which guidance is given for their implementation, including codes of conduct, additional anti-corruption measures as defined under Article 1, paragraph 2-*bis* of Law 190 of 2012, strategic and management plans and the deeds issued by the independent bodies in charge of assessing performance, shall also be published.
- 1-*bis* The person responsible for transparency of the competent administrations shall publish on the institutional website a schedule containing an indication of the dates on which the newly introduced administrative obligations will become effective, and shall promptly send it to the Department of the public function to enable it to post a summary of such schedule, arranged in a chronological order, on a dedicated section of the institutional website. Failure to comply with the provisions of this paragraph shall result in the imposition of the sanctions set forth in article 46.
2. As to statutes and regional laws governing the functions, organization and performance of the activities falling within the competence of the administration, the details of the deeds and an updated version of the relevant official texts shall be published.

**Title II**

**Publication requirements concerning the organization and activity of public administrations**

**Article 13**

**(Publication requirements regarding the organization of public administrations)**

1. Public administrations shall publish and keep updated any information and data concerning their organization, accompanied by reference documents, including documents of a normative nature. The data object of the publication shall include, *inter alia*, data concerning:
  - a) political bodies and bodies of management and administration, with an indication of their respective competences;
  - b) the structure of the offices, the competences of each office, including those of a non-general executive level, the names of the managers in charge of each office;
  - c) the illustration in a simplified form, for the purpose of making the data fully accessible and understandable, of how the administration is organized, using for instance organizational charts or other similar graphical representations;
  - d) the list of the telephone numbers as well as of the institutional mailboxes and dedicated certified mailboxes, to which citizens can address any query they may have on the institutional tasks.

**Article 14**

**(Publication requirements concerning the holders of political, administrative, management, government and managerial positions)**

- 1.. In relation to the holders of political offices, including central, regional or local non-elective offices, the State, the regions and the local entities shall publish the following documents and information:
  - a) the deed or announcement of appointment, with an indication of the term of office or the electoral mandate;
  - b) the curriculum;
  - c) the remuneration of whatever type related to the acceptance of the office; the public money spent on business travels and missions;
  - d) the data related to the acceptance of other offices, both in public and private bodies, and the relevant remuneration received on any ground;
  - e) other appointments, if any, remunerated with public money with an indication of the relevant amount;
  - f) the declarations and tax return provided for in Article 2 of Law 5 July 1982, no. 441, as well as the declarations and tax return referred to in Articles 3 and 4 of the same law, as amended by this decree, only with respect to the relevant individual, his/her not separated spouse and relatives within the second degree of kinship, if they have consented to such disclosure. Evidence shall in any case be given in case of lack of consent. The provisions of article 7 do not apply to the information referred to in this paragraph concerning individuals other than the holder of the political office.
- 1-*bis*. The public administration shall publish the data under paragraph 1 in relation to the holders of administrative, direction or government offices, however named, except in the case of appointments without remuneration, and to the holders of management positions, granted for whatever reason, including any appointment granted at the discretion of the *organo di indirizzo politico* without resorting to public selection processes.
- 1-*ter*. Each manager shall notify to the administration where he/she holds office the aggregate amount of public money he/she has received, also in relation to the provisions of Article 13, paragraph 1, of Governmental Decree n. 66 of 24 April 2014, converted, with amendments, by Law n. 89 of 23 June 2014. The public administration shall publish, for each manager, on its institutional website, the aggregate amount of the aforesaid remuneration.
- 1-*quarter*. In the deeds of appointment of the managers and in their relevant agreements, the goals of transparency aimed at making understandable and readily accessible to citizens any published data, including, in particular, the data of the accounts concerning the expenses and the costs incurred for the personnel, to be indicated both in an aggregate form and in details, shall be reproduced. Failure to meet the aforesaid goals shall result in the manager be held liable pursuant to the provisions of Article 21 of Legislative Decree n. 165 of 30 March 2001. Any failure to meet the above requirements shall be taken into account when considering the granting of future appointments and tasks.
- 1-*quinquies*. The duties of publications set out in paragraph 1 shall apply also to the holders of organizational positions (*titolari di posizioni organizzative*) to whom the proxies under Article 17, paragraph 1-*bis*, of Legislative Decree n. 165 of 2001 have been granted, as well as in the circumstances envisaged in Article 4-*bis*, paragraph 2, of Governmental Decree n. 78 dated 19 June 2015, and in any other case in which managerial tasks are performed. As to the other holders of organizational positions, the only document to be published in their respect is their *curriculum vitae*.
2. Public administrations shall publish the data referred to in paragraph 1 and paragraph 1-*bis* within three months from the election, appointment or entrustment of the task and for the three years

following the termination of the mandate or of the appointment of the relevant individual, except for the information relating to the balance sheet and, where permitted, the tax return of the not separated spouse and the relatives within the second degree of kinship, that shall be published up to the termination of the office or of the mandate. At the expiry of the period of publication, the relevant data and information shall be accessible pursuant to the provisions of Article 5.

**Article 15**  
**(Publication requirements concerning collaborators and consultants)**

1. Without prejudice to the provisions of article 9-*bis* and to the duties of disclosure pursuant to article 17, paragraph 22, of Law 15 May 1997, no. 127, public administrations shall publish and keep updated the following information on any individual acting as collaborator and consultant:
  - a) the details of their deed of appointment;
  - b) their *curriculum vitae*;
  - c) any data concerning the performance of tasks or any office held in private entities regulated or financed by the public administration, or the performance of professional activities;
  - d) the remuneration, however named, related to their consultancy or collaboration relationship, especially the variable components of it, if any, or the components related to the assessment of their achieved results.
2. The publication of the details of the deeds by which external collaborators or consultants are engaged on any ground, and in relation to which a remuneration is envisaged, with a complete indication of the relevant recipients, the reason for their engagement and the amount disbursed, as well as the notification to the Office of the President of the Italian Council of Ministers - Department of public service, of the relevant data pursuant to article 53, paragraph 14, second sentence, of Legislative Decree 30 March 2001 no. 165 as subsequently amended, are conditions to be met for making the deed effective and paying the relevant amounts. The administrations shall publish and keep updated on their respective institutional websites the lists of their consultants, with an indication of the object, the term and the relevant remuneration. The Department of public service allows the consultation of the data referred to in this paragraph also by name.
3. Failure to publish the information provided for in paragraph 2, shall result in the manager who has arranged the relevant payment be held liable - a liability to be ascertained through a disciplinary proceeding - and in the imposition of a penalty equal to the amount disbursed, without prejudice to the compensation for the damage of the beneficiary, if the conditions provided for in article 30 of Legislative Decree 2 July 2010 no. 104 are met.
4. Public administrations shall publish the data referred to in paragraphs 1 and 2 within three months from the appointment and for the three years following the termination of the office.
5. **REPEALED.**

**Article 15-bis**  
**(Publication requirements concerning appointments granted in subsidiaries)**

1. Without prejudice to the provisions of article 9-*bis*, companies under public control, as well as companies under extraordinary administration, except for companies issuing financial instruments listed on regulated markets and their subsidiaries, shall publish, within 30 days from the appointment of collaborators, consultants or professionals including arbitrators, and for two years following their termination, the following information:
  - a) the details of their deed of appointment, the object of their work performance, the reason for their appointment and the relevant term;
  - b) the *curriculum vitae*;
  - c) their remuneration, however named, related to their collaboration or consultancy relationship, as well as to professional appointments, including those of arbitrators;
  - d) the type of procedure followed for selecting the contracting party and the number of participants in the procedure.

2. The publication of the information under paragraph 1, concerning appointments for which a remuneration is envisaged, is a condition to be met for making the payment effective. Failure to publish, in whole or in part the information, shall result in the individual responsible for the publication and the individual who made the payment be subject to a penalty equal to the amount paid.

**Article 15- ter**  
**(Publication requirements concerning directors and experts appointed by courts or administrative authorities)**

1. The register referred to in Article 1 of Legislative Decree 4 February 2010 no. 14 shall be kept electronically and included into a dedicated public area of the institutional website of the Italian Ministry of Justice. For each member, the register, shall indicate the appointments received, with an indication of the authority who has granted them and the relevant date of appointment and termination, as well as any advance payment made in their favor and final remuneration. Such data shall be entered into the register by the clerk of courts within 15 days from the date of the relevant announcement. The regulations under article 10 of the abovementioned legislative decree no. 14/2010 set out any other additional data to be included in the register.
2. The National Agency for the administration and allocation of assets seized and confiscated from organized crime, under article 110 of Legislative Decree 6 September 2011 no. 159, shall publish on its institutional website the appointments granted to the technicians and the other qualified entities set out in article 38, paragraph 3, of the abovementioned decree no. 159/2011, as well as the remuneration paid to each of them.
3. In the register provided for in article 28, paragraph four, of Royal Decree 16 March 1942, no. 267, the orders concerning any advance payment and final remuneration liquidated to each of the individuals set out in the same article 28, the closing of bankruptcy and homologation of the composition, and the execution of the composition, as well as the amount of the assets and liabilities of the closed procedures, shall also be entered.
4. Prefectures shall publish the deeds by which directors and experts are appointed pursuant to article 32 of Governmental Decree 24 June 2014 no. 90, and their remuneration quantified.

**Article 16**  
**(Publication requirements concerning the total number of staff and the cost of civil servants on open-ended contracts)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish the annual account of the staff and the relevant incurred expenses (*conto annuale*) set out in article 60, paragraph 2, of Legislative Decree 30 March 2001 no. 165, containing the data related to the total number of staff needed, the staff actually employed and the relevant cost, with an indication of the modalities of distribution of said staff by different qualifications and professional areas, with particular regard to the staff assigned to offices that collaborate directly with political bodies.
2. Without prejudice to the provisions of article 9-*bis*, public administrations, within the scope of the publications under paragraph 1, shall highlight separately the data related to the total cost of civil servants on open-ended contracts, arranged by professional areas, with particular regard to the staff assigned to offices that collaborate directly with political bodies.
3. Public administrations shall publish on a quarterly basis the data related to the absence rates of civil servants arranged by office of managerial level.

3-*bis*. The Department of Public Service of the Presidency of the Italian Council of Ministries ensures that the mobility processes of civil servants is adequately made public also through the publication of the data capable of disclosing the identity of the involved individuals.

#### **Article 17**

##### **(Publication requirements of data related to civil servants on fixed-term contracts)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish on a yearly basis, within the scope of the provisions of article 16, paragraph 1, the data related to civil servants on fixed-term contracts, including servants assigned to the offices that collaborate directly with political bodies.
2. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish on a quarterly basis the data related to the total cost of the staff under paragraph 1, especially the staff assigned to the offices that collaborate directly with the political bodies.

#### **Article 18**

##### **(Publication requirements of data related to appointments granted to civil servants)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish a list of the appointments granted or the authorizations given to each of their employees, with an indication of the term of office and the remuneration owed to them for each appointment.

#### **Article 19**

##### **(Notices of a competitive examination)**

1. Without prejudice to the duties of disclosure required by the law, public administrations shall publish the notice of a competitive examination for recruiting, for any reason, staff for the administration, as well as the criteria adopted by the Commission for assessing the relevant candidates, and the outline of the written tests
2. Public administrations shall publish and keep constantly updated the list of the notices.

#### **Article 20**

##### **(Publication requirements of data related to the assessment of the performance of, and the award of bonuses to, civil servants)**

1. Public administrations shall publish the data related to the aggregate amount of the allocated bonuses associated to performance and the amount of the bonuses actually distributed.
2. Public administrations shall publish the criteria defined in the systems of performance measurement and assessment for awarding additional remuneration and the data concerning its distribution, in an aggregate form, in order to reflect the level of selectivity used in awarding the bonuses and the incentives, as well as the data related to the degree of differentiation in the awards both to managers and employees.
3. **REPEALED.**

#### **Article 21**

##### **(Publication requirements concerning data on collective bargaining)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish the necessary references for consulting any national collective bargaining agreement/contract applicable to them, as well as their authentic interpretations, if any.

2. Without prejudice to the provisions of article 9-*bis* and of article 47, paragraph 8, of Legislative Decree 30 March 2011 no. 165, public administrations shall publish any executed supplemental agreement, together with the technical-financial report and the illustrative report certified by the supervisory bodies set out in article 40- *bis*, paragraph 1, of Legislative Decree no. 165 of 2001, as well as the information annually sent pursuant to paragraph 3 of the same article. The illustrative report, among other things, emphasizes the effects expected as a result of the signing of the supplemental agreement regarding productivity and efficiency of the services provided, also in relation to the citizens' requests.

## **Article 22**

### **(Publication requirements of data related to supervised public entities, private law entities controlled by the government, as well as to shareholdings in private companies)**

1. Without prejudice to the provisions of article 9-*bis*, each public administration shall publish and keep updated on an annual basis:
  - a) the list of the public entities, however named, established, supervised or financed by the same administration as well as the entities in relation to which the administration has the power to appoint the relevant directors, with a list of the functions assigned and the activities carried out in favor of the administration or of the public service activities entrusted;
  - b) the list of the companies in which the public administration directly holds shareholdings, even as a minority shareholder specifying the relevant size, with an indication of the functions assigned and the activities carried out in favor of the administration or of the public service activities entrusted;
  - c) the list of the private law entities, however named, subject to the control of the administration, with an indication of the functions assigned and the activities carried out in favor of the administration or of the public service activities entrusted. For the purposes of these provisions "private law entities subject to government control" shall mean any private law entity subject to the control of public administrations, or any entity established or supervised by a public administration in which it is acknowledged to said, administration, also in the absence of a shareholding, the power to appoint the top management or the members of the managing bodies of the entity;
  - d) one or more graphical representations showing the relationship existing between the administration and the entities referred to in the paragraph above.
- d-*bis*) the measures provided for by the Legislative Decree adopted pursuant to art. 18 of Law n. 124 of 7 August 2015 applicable to the incorporation of semi-public companies, acquisition of participations in existing companies, management of public participations, disposal of corporate shares, listing of publicly held companies in regulated markets and periodical rationalization of public participation.
2. Without prejudice to the provisions of article 9-*bis*, for each of the entities under letters a, b and c of paragraph 1, the data related to their name, size of the participation, if any, held by the administration, term of appointment, aggregate charges to be entered, for any reason, in the balance sheet of the administration for the relevant year, number of the representatives of the administration in the government bodies, total remuneration to be paid to each of them, results of the financial statements of the latest three financial years, shall be published. The data concerning the appointments of the entity to act as a director and the aggregate amount of the relevant remuneration, shall also be published.
3. In the website of the administration a link directing to the institutional websites of the entities under paragraph 1 shall be included.



4. Failure to publish, in whole or in part, the data related to the entities under paragraph 1, shall result in the prohibition for the involved administration to disburse in their favor any amounts, for whatever reason, excepted for any amount that the administration must pay in relation to contractual obligations for services provided in their favor by one of the entities and companies indicated in the categories under paragraph 1, letters a, b and c.
5. The administrations holding controlling interests shall promote the application, by the companies over which they exercise a direct control, of the principles of transparency under paragraph 1, letter b, and paragraph 2, to the companies indirectly controlled by the same administrations.
6. The provisions of this article shall not apply to semi-public companies, with shares listed in Italian regulated markets or regulated markets of other European countries, and to their subsidiaries.

### **Article 23**

#### **(Publication requirements concerning administrative measures)**

1. Public administrations shall separately publish and update every six months, in different parts of the «Transparent Administration» section, the lists of the measures adopted by political bodies and managers, with particular reference to the final measures of the procedures:
  - a) **REPEALED**
  - b) for selecting the contracting party to which to award the works, supplies and services, also with reference to the selection procedure chosen pursuant to the Italian Public Procurement Code, for works, services and supplies, under Legislative Decree 12 April 2006 no. 163, without prejudice to the provisions of article 9-bis;
  - c) **REPEALED**
  - d) of the agreements executed by the administration with private individuals or other public administrations, pursuant to articles 11 and 15 of Law 7 August 1990, no. 241.
2. **REPEALED.**

### **Article 24**

#### **(Publication requirements of aggregated data concerning the administrative activity)**

1. Public administrations that arrange, for information and statistical purposes, the data related to their administrative activities in an aggregate form, by sector of activity, competence of the involved bodies and offices, type of proceedings, shall publish and keep constantly updated such data.
2. The administrations shall publish and make available for consultation the results of the periodic monitoring concerning compliance with the prescribed times for the procedures, carried out pursuant to the provisions of article 1, paragraph 28, of Law n. 190, of 6 November 2012.

### **Article 25**

#### **REPEALED**

### **Article 26**

#### **(Publication requirements regarding deeds by which subsidies, contributions, grants and economic benefits are granted to individuals, and to public and private entities)**

1. Public administrations shall publish the deeds determining, pursuant to article 12 of Law 7 August 1990, no. 241, the criteria and procedures to be complied with by the same administrations when granting subsidies, contributions, grants and financial aids and economic benefits of any type to individuals and to public and private entities.
2. Public administrations shall publish the deeds through which subsidies, contributions, grants and financial aids and economic benefits of any type are granted to individuals and to public and private entities pursuant to the provisions of the abovementioned article 12 of Law no. 241/1990, for amounts higher than Euro 1,000.00.
3. The publication pursuant to this article is a legal condition for the effectiveness of the measures through which subsidies and awards, having an aggregate amount higher than Euro 1,000.00, are granted to the same beneficiary in a calendar year. The incomplete publication or the failure or delay in publishing the data shall be ascertained by the supervisory bodies as well as by the beneficiary of the relevant subsidy or award and by any other interested party, also for the purposes of seeking compensation for the damage suffered for the delay of the administration, pursuant to article 30 of the Legislative Decree 2 July 2010 no. 104.
4. The publication of the identification data of the beneficiaries of the measures envisaged in this article is not permitted if from such data it is possible to infer information related to the health or the economic-social difficulties of the relevant data subject.

#### **Article 27**

##### **(Publication requirements related to the list of beneficiaries)**

1. The publication pursuant to article 26, paragraph 2, must comprise, for the purposes of paragraph 3 of the same article:
  - a) the name of the company or of the entity and their respective tax codes or the name of another beneficiary;
  - b) the amount of the economic benefit paid;
  - c) the rule or the qualification for the granting;
  - d) the office and the official or manager responsible for the relevant administrative procedure;
  - e) the procedure followed for the identification of the beneficiary;
  - f) the link to the selected project and the curriculum vitae of the appointed individual.
2. The information under paragraph 1 shall be included, in the «Transparent Administration» section in an user-friendly manner, and in an open tabular format allowing the transfer, process and reuse of such information pursuant to article 7 which must be annually arranged in a single list for each administration.

#### **Article 28**

##### **(Publication of the balance sheets of regional and provincial council groups)**

1. Without prejudice to the provisions of article 9-bis, the regions, the autonomous provinces of *Trento* and *Bolzano* and the provinces shall publish the statements of account set out by article 1, paragraph 10, of Governmental Decree 10 October 2012 no. 174, converted, with amendments, by Law 7 December 2012, no. 213, of the regional and provincial council groups, pointing out the resources transferred or assigned to each group, with an indication of the deed of transfer and how the resources will be used. The deeds and reports of the supervisory bodies shall also be published.
2. Failure to publish the statements of account shall result in the reduction by 50 percent of the resources to be transferred or assigned in the year.

### **Title III**

#### **Publication requirements concerning the use of public resources**

##### **Article 29**

##### **(Publication requirements in relation to budget, final balance, indicator plan and expected financial results, as well as to data concerning the monitoring of goals)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish the documents and annexes to the budget and the final balance within thirty days from their adoption, as well as the data related to the budget and the final balance in an abridged, aggregated and simplified form, using also graphic representations, in order to ensure that they are fully accessed and understood.
- 1- *bis*. Public administrations shall publish and make available, also through the use of the same portal, the data related to revenues and expenses as set out in their budget and final balance in an open tabular format allowing the transfer, process and reuse of such data, pursuant to article 7, in accordance to the template and the modalities defined by way of a decree to be issued by the Italian Prime Minister and adopted after having heard the opinion of the *Conferenza unificata*.
2. Public administrations shall publish the Plan referred to in article 19 of Legislative Decree 31 May 2011, no. 91, as supplemented and updated pursuant to article 22 of the same Legislative Decree no. 91/2011.

##### **Article 30**

##### **(Publication requirements concerning real estate assets and asset management)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish the identifying data of the real estate assets owned and held by them, as well as the relevant rentals paid or received.

##### **Article 31**

##### **(Publication requirements concerning data related to the controls carried out on the organization and activity of the administration)**

1. Public administrations shall publish the deeds of the independent assessment bodies or assessment units, indicating the anonymous personal data, if any. They shall also publish the report issued by the audit and administrative audit bodies on the budget, the relevant changes, and the final balance sheet as well as all remarks, even if not yet adopted, of the Court of Auditors regarding the organization and activity of the same administrations and their offices.

### **Title IV**

#### **Publication requirements concerning the performance offered and the services provided**

##### **Article 32**

##### **(Publication requirements concerning the services provided)**

1. Public administrations and the operators of public services shall publish the service charter or the document containing the quality standards of the public services.
2. Public administrations and the operators of public services, after having identified the services provided to both end-users and intermediate users, pursuant to article 10, paragraph 5, shall publish:
  - a) the accounted costs and their trend over the time;

b) **REPEALED.**

**Article 33**

**(Publication requirements concerning the terms of payment of the administration)**

1. Without prejudice to the provisions of article 9-*bis*, public administrations shall publish, on an annual basis, an indicator of their average terms of payment in relation to the purchase of goods, services, professional services and supplies, named «prompt payment annual indicator». Effective from year 2015, public administrations shall publish, on a quarterly basis, an indicator with the same object, named "prompt payment quarterly indicator", as well as the aggregate amount of indebtedness and the number of creditors. The indicators set out in this paragraph shall be processed and published, also by using only one portal, in accordance with the template and the modalities defined by way of a decree to be issued by the Italian Prime Minister and adopted after having heard the opinion of the *Conferenza unificata*.

Article 34

**REPEALED**

**Article 35**

**(Publication requirements related to administrative proceedings and controls carried out on substitute declarations and acquisition of data *ex officio*)**

1. Public administrations shall publish the data concerning the types of proceedings falling within their competence. For each type of proceeding the following information shall be published:
  - a) a short description of the proceeding with an indication of all useful laws;
  - b) the organizational unit in charge of the taking evidences;
  - c) the office of the proceeding, with an indication of the telephone number and the institutional mailbox, as well as, if different, the office competent to adopt the final measure, with an indication of the name of the relevant head, together with the respective telephone numbers and institutional mailboxes;
  - d) as to the proceedings initiated by the parties, the deeds and documents to be attached to the application and the necessary forms, including the self-certification sample forms, even if the production of the exhibits to the application is provided for by the law, by regulations or deeds published in the Official Gazette, as well as the offices to be contacted for information, the hours and access modalities with an indication of the addresses, telephone numbers and institutional mailboxes to which the applications are to be sent;
  - e) the modalities through which any interested party may obtain information on pending proceedings;
  - f) the time limit set out for completing the proceeding with the issuance of an order and any other relevant terms of the procedure;
  - g) the proceedings in relation to which the decision of the administration may be replaced by a declaration of the interested party, or the proceeding may be closed through the silence/assent procedure of the administration;
  - h) the instruments of administrative and jurisdictional protection recognized by the law in favor of the interested party both during the proceeding and with respect to the final decision or in case the decision is adopted beyond the term within which the proceeding is to be completed, and the modalities according to which such instruments can be triggered;
  - i) the link for accessing the service online, if available, or the time envisaged for its activation;
  - l) the modalities for making the necessary payments, if any, with the information set out in article 36;

- m) the name of the individual, which shall replace the person in charge should the latter fail to take action, as well as the modalities for triggering the replacement procedure, with an indication of the telephone numbers and institutional mailboxes;
  - n) **REPEALED**
2. Public administrations cannot require the use of forms that have not been published; failure to publish the forms shall result in the relevant proceedings be initiated without the filing of such forms. The administration cannot reject the application for lack of the forms or failure to exhibit such deeds or documents. The administration shall invite the applicant to furnish the documents within a reasonable time limit.
  3. Public administrations shall publish on their institutional website:
    - a) the telephone addresses and institutional mailbox of the person in charge of the office for activities aimed at managing, guaranteeing and verifying the transmission of the data and their direct access by the administrations acting pursuant to articles 43, 71 and 72 of Presidential Decree n. 445 of 28 December 2000, n. 445;
    - b) **REPEALED**
    - c) **REPEALED**

#### **Article 36**

##### **publication of the necessary information for the electronic payments**

1. Public administrations shall publish and specify in the request of payment all the data and information provided by article 5 of Legislative Decree 7 march 2005, no. 82.

### **SECTION V OBLIGATION OF PUBLICATION IN SPECIAL SECTORS**

#### **Article 37**

##### **obligation of publication related to public procurement of works, services and supplies**

1. In addition to the requirements of article 9-bis and the general requirements of legal disclosure, the public administrations and the contracting authorities publish:
  - a. the information provided by article 1, paragraph 32, Law 6 November 2012, no. 190;
  - b. the acts and the information subject to publication according to Legislative Decree 18 april 2016, no. 50.
2. According to article 9-bis, the obligations of publication under par. a. of this article can be executed also by sending the same data to the database of the public administration provided by article 2 of Legislative Decree 29 December 2011, no. 229, limited to the public works.

#### **Article 38**

##### **publicity of the processes of planning, execution and evaluation of public works**

1. In addition to the requirements of article 9-bis, the public administrations publish on their institutional websites: the planning documents, also multiannual, of the public works of their competence, the guidelines for the evaluation of the investments; the annual reports; any other evaluation document, including the reports of the evaluators dissenting with the decision of public administration and the results of the *ex post* evaluations dissenting with the evaluations; the information related to the Unit for the Evaluation and Verification of the public investments provided by article 1 of Law 17 may 1999, no. 144, including its functions and tasks, the procedures and the criteria for the selection of its members and their nominatives.

2. In addition to the obligations of publication provided by article 21 of Legislative Decree 18 April 2016, no. 50, the public administrations timely publish the acts of planning of public works, as well as information related to terms, unit costs and execution indicators of pending and concluded public works. The information related to costs are published on the basis of a standard drafted by the Ministry of Economy and Finance with the collaboration of National Anti-Corruption Authority which are also published on their websites to facilitate the comparison.

2-bis. For the Ministries, the planning acts provided by paragraph 2 of this article are those provided by article 2 of Legislative Decree 29 December 2011, no. 228.

## **Article 39**

### **transparency of the activities of planning and governance of the territory**

1. The public administrations publish:
  - a. the acts of governance of the territory, such as, territorial plans, coordination plans, landscape plans, urban planning instruments, both general and implementing, as well as the related variations;
  - b. repealed.
2. The documentation related to each proceeding of presentation and approval of the proposals of urban transformation, initiated by private or public party, both in application or in variation of the general instrument of urban planning in force, involving edification facilitations in exchange for the realization free of charge of urbanization works or transfer of areas for the public interest, is published in a specific section of the website of the involved municipality and continuously updated.
3. The entry into force of the acts provided by paragraph 1 a. of this article is conditioned by the publication;
4. The detailed publication disciplines provided by national and regional legislation in force apply.

## **Article 40**

### **publication and access to environmental information**

1. With regard to environmental information the requirements of article 3-sexies of Legislative Decree 3 April 2006, no. 152, Law 16 march 2001, no. 108, Legislative Decree 19 august 2005, no. 195 apply.

2. The administrations provided by article 2 paragraph 1 b) of Legislative Decree 195 of 2005, publish on their institutional websites, according to this Decree, the environmental information provided by article 2 paragraph 1 a) of legislative decree 19 august 2005, n. 195, which they have for the exercise of their institutional functions, as well as the reports provided by article 10 of the same Legislative Decree. These information are to be published on a specific section denominated "Environmental Information".

3. The cases of exclusion of the right to access the environmental information provided by article 5 Legislative Decree 19 august 2005 n. 195 are excepted.

4. The execution of the obligation provided by this article is not in any case subordinated to the conclusion of the agreements provided by article 11 Legislative Decree 19 august 2005 n. 195. The effects of the already concluded agreements are excepted, when they guarantee an higher level of environmental information. The public administration can conclude other agreements according to article 11, in respect of the levels of environmental information guaranteed by this Decree.

## **Article 41**

### **transparency of the national health system**

1. The administrations and the entities of the National Health System, the territorial health and hospital units, the agencies and the entities that perform activities of planning and supply of health services, are under the obligations to publish provided by the legislation in force.

1-bis. the administration of paragraph 1 also publish on their institutional websites the data related to the expenses and payments executed, differentiated for kind of work, good or service and allow the consultation of them in synthetic or aggregate form in relation to the type of expense sustained, the timing of reference and beneficiaries.

2. the territorial health and hospital units publish all the information and data concerning the procedures of appointment of the general manager, medical director and administrative director, as well as the appointments of head of department, 'simple structures' and 'complex structures', including announcements and notices of selection, related procedures and acts of appointment.

3. The obligation of publication provided by article 15 apply to the healthcare management of paragraph 2. The professional activities provided by paragraph 1 c) of article 15 include also the so called intra-moenia professional activities.

4. The list of accredited private hospitals and related agreements is published and continuously updated.

5. The criteria of accreditation defined by the region should include the respect of the publication obligations provided by the legislation in force.

6. The entities, companies and public entities that provide health services on behalf of the National Health System are obligated to indicate in a specific section of their websites denominated " Waiting lists" the criteria of formation of the waiting lists, expected waiting times and average time of execution for each service provided.

## **Article 42**

### **obligation of publication concerning extraordinary and emergency interventions involving derogation of legislation in force**

1. The public administrations adopting emergency measures and extraordinary acts in cases of natural disasters and other emergencies, including the administrations provided by Law 24 February 1992, n. 225, emergency legislations publish:
- a. the adopted acts, with express indication of the derogated legislation and the reason of the derogation, as well as the indication of any related administrative or jurisdictional acts;
  - b. the fixed deadlines, if applicable, for the adoption of the extraordinary measures;
  - c. the expected costs for the intervention and the cost actually sustained by the administration;
  - d. repealed.

1-bis. The delegated Commissioners provided by article 5 Law 24 February 1992 n. 225, exercise the function of responsible for the prevention of corruption according to article 1 paragraph 7 Law 6 November 2012 n. 190 and responsible for the transparency according to article 43 of this Decree.

## **SECTION VI SUPERVISION ON THE EXECUTION OF THE DISPOSITIONS AND SANCTIONS**

### **Article 43**

#### **responsible for the transparency**

1. Within all the administrations, the responsible for the prevention of corruption provided by article 1 paragraph 7 of Law 6 November 2012 n. 190, exercises also the functions of the responsible for the transparency, hereinafter 'Responsible', and his name is indicated in the Triennial Plan for the prevention of Corruption. The Responsible controls the fulfillment by the administration of the obligations of publication provided by the legislation in force, assuring completeness, clarity, and adjournment of the published information, and he reports about the cases of non-fulfillment or delayed fulfillment of the obligations of publication to Independent Body of Evaluation (OIV), National Anti-Corruption Authority and, in serious cases to the disciplinary office.

2. Repealed.

3. The managers responsible of the offices of the administration guarantee the timely and regular flow of information to publish in order to comply with the term provided by law.

4. The managers of the administration and the responsible for transparency control and assure the regular execution of the civic access according to the dispositions of this Decree.

5. On the basis of their seriousness, the responsible reports about the cases of non-compliance or partial compliance with the obligation of publication provided by the legislation in force, to the disciplinary office in order to activate the disciplinary proceeding. The Responsible reports also the



non-compliance to the top politic management of the administration, to the OIV in order to activate any other form of responsibility.

#### **Article 44**

##### **functions of the independent bodies of evaluation**

The Independent Body of Evaluation verifies the coherence of the objectives provided in the Triennial plan for the prevention of corruption, according to article 10, and in the Performance plan, evaluating the adequacy of the related indicators. The entities deputed to the evaluation of the performance and the OIV utilize the information and the data related to the execution of the transparency obligation in order to measure and evaluate the performances in terms of organization of the offices responsible for the transmission of data, on an individual and aggregate basis.

#### **Article 45**

##### **functions of the national anti-corruption authority - anac**

1. The National Anti-Corruption Authority controls the correct compliance with the obligation of publication provided by the legislation in force, exercising its powers of inspection through request of information, acts and documentation to the public administrations and ordering to proceed, within 30 days, with the publication of data, documentation, and information according to the dispositions of this Decree, with the adoption of acts or measures required by the legislation in force or to the removal of acts in contrast with plans and rules concerning transparency.
2. The National Anti-Corruption Authority controls the activity of the responsables for transparency to whom can request the summary of the results of the control performed within the administrations. The National Anti-Corruption Authority can also request to the OIV other information on the control over the correct compliance with the obligation of transparency provided by the legislation in force.
3. The National Anti-Corruption Authority can also use the databases of the Presidency of the Council of Ministers- Department of the Public Function for the monitoring of the fulfillments to the obligations of publication provided by the legislation in force.
4. Non-compliance with the obligation of publication provided by paragraph 1 constitutes a disciplinary offense. The National Anti-Corruption Authority reports the offense to the office provided by article 55-bis paragraph 4 Legislative Decree 30 march 2001, n. 165 of the involved administration in order to activate the disciplinary action against the responsible of the publication or the manager responsible for the transmission of information. The National Anti-Corruption Authority reports also the non-compliance to the top politic management of the administration, to the OIV and if necessary to Court of Auditors in order to activate any other form of responsibility. The National Anti-Corruption Authority publishes the related decisions. The National Anti-Corruption Authority controls and publishes the cases of non-compliance with the obligation of publication provided by article 14 of this Decree, publishing the names of the individuals involved.

## **article 46**

### **responsibility for the violation of the dispositions concerning obligation of publication and civic access**

1. Non-compliance with the obligation of publication provided by the legislation in force and the refusal or delay or limitation of the civic access, with exception for the cases provided by article 5-bis, constitutes element of evaluation for managerial responsibility, possible cause of responsibility for damage to the reputation of the administration and are in any case evaluated for the provision of the retribution of result and accessory retribution related to the individual performance of the individuals involved.
2. The responsible is not liable according to paragraph 1 if he proves that the non-compliance was caused by events not attributable to him.

## **article 47**

### **sanctions for specific cases**

The non-communication or incomplete communication of the information and data provided by article 14 related to the patrimonial situation of the holder of the duty at the moment of the appointment, the stock detained in companies, his shareholdings and those of his spouse and relatives in the second degree as well as all the compensation related to the appointment, give rise to an administrative sanction from 500 to 10.000 euros and the related decision is published on the website of the administration or body involved.

1-bis. The sanction provided by paragraph 1 is applied also to the manager who not perform the communication provided by article 14 paragraph 1-ter related to the public compensation received, as well as to the responsible for the non-publication of the information provided by the same article. the same sanction is applied to the responsible of the non-publication of the information provided by article 4-bis paragraph 2.

2. The violation of the obligation of publication provided by article 22 paragraph 2, leads to an administrative sanction from 500 to 10.000 euros against the responsible of the violation. The same sanction applies to managers who do not communicate to public shareholders their appointment and the related compensation within 30 days from the appointment, or within 30 days from the perception of the result compensation.

3. The sanctions provided by paragraph 1 are applied by the National Anti-Corruption Authority. The National Anti-Corruption Authority disciplines with regulation, in accordance with the dispositions of Law 24 November 1981, n. 689, the procedure of application of the sanctions.

## **SECTION VII FINAL AND TRANSITIONAL DISPOSITIONS**

## **article 48**

### **dispositions for the execution of the obligation of publicity and transparency**

1. The National Anti-Corruption Authority defines criteria, models and standard schemes for the organization, codification and representation of the documents, information and data object to mandatory publication in accordance with legislation in force, as well as in relation to the organization of the section " Transparent Administration".
2. Schedule A, which is part of this Decree, identifies models and standard schemes for the organization, codification and representation of documents, information and data object to mandatory publication in accordance with legislation in force. Modification of Schedule A can be executed by decree in accordance with paragraph 3.
3. The standards, models and schemes provided by paragraph 1 are adopted by the National Anti-Corruption Authority, in accordance with the Privacy Authority, the Unified Conference, Agency Italia Digitale and ISTAT.
4. The standards, models and schemes provide by paragraph 3 contain disposition aimed at:
  - a) assuring coordination of information and informatics coordination of data, for the satisfaction of the exigencies of uniformity of the methods of codification and representation of public information and data, their confrontation and their re-elaboration.;
  - b) defining, for specific sectors and kind of data, the quality requirements of the information, identifying in particular the necessary adjustments by single administrations with their own regulation, the validation procedures, controls and substitutive controls, professional competencies required for the management of the information disclosed through institutional websites, as well as guarantees and corrections that can be activated by anyone who has an interest.
5. The individual/entities provided by article 2-bis, when fulfilling the obligations of publication provided by legislation in force, must use the standards, models and schemes provided by paragraph 1.

## **article 49**

### **transitional and final dispositions**

1. The obligation of publication of information provided by article 24 applies after 6 months from the date of entry into force of this Decree.
2. One or more Decrees of the President of the Council of Ministers can determine the methods of application of the dispositions of this Decree to the Presidency of the Council of Ministers, in consideration of the peculiarities of the related system according to article 92 and 95 of the Constitution.

3. The sanctions of article 47 apply for each administration, from the date of the first update of the Triennial plan of transparency and in any case from the 180th day after the date of entry into force of this Decree.

4. The special status regions and the autonomous provinces of Trento and Bolzano can identify form and method of application of the present Decree in consideration of the peculiarities of their respective system.

#### **article 50**

##### **jurisdictional defense**

1. The controversies related to the obligations of transparency provided by legislation in force are governed by Legislative Decree 2 July 2010, n. 104.

#### **article 51**

##### **financial invariance**

1. The execution of this Decree cannot give rise to new or higher burdens on the public Finance. The administrations involved provide to the fulfillments with their own human resources, instruments and financial resources available.

#### **article 52**

##### **amendments to legislation in force**

1. Law 5 July 1982 n. 441 is amended as follows:

a) article 1 paragraph 1:

1) at number 2) after the words "to Ministers" are added the words "to the Vice Ministers";

2) at number 3) after the words "to regional representatives" are added the words "members of the regional government";

3) at number 4) after the words "to provincial representatives" are added the words "members of the provincial government";

4) at number 5) the words "to the representatives of the chief towns of provinces or towns with more than 50.000 inhabitants" are substituted by the words "to the representatives of the chief towns of provinces or towns with more than 15.000 inhabitants";

b) article 2 paragraph 2, the words "of the spouse not separated and of the cohabitants sons, if they give consent" are substituted by the words "of the spouse not separated as well as of the sons and relatives in the second degree, if they give consent".

2. article 12 paragraph 1 Law 7 august 1990 n. 241, the words "and to publication" are eliminated.

3. article 54 Legislative Decree 7 march 2005, n. 82, is substituted by " Article 54 Content of the websites of the public administrations- 1. The websites of the public administrations contain the information provided by Legislative Decree laying down the reorder of the discipline concerning the obligations of publicity, transparency and diffusion of information from the public administrations adopted in accordance of article 1 paragraph 35 of Law 6 November 2012, n. 190".

4. Legislative Decree 2 July 2010, n. 104 is amended as follows:

- a) article 23 paragraph 1, after the word " access" are added the following words " and administrative transparency";
- b) article 87 paragraph 2, c) after the word "administrative" are added the following words " and of violation of the obligations of administrative transparency";
- c) article 116 paragraph 1, after the words "administrative documents" are added the following words "as well as for the protection of the right to civic access related to the non-compliance with obligations of transparency";
- d) article 116 paragraph 4, after the words " the exhibition" are added the following words "and, if applicable the publication";
- e) article 133, paragraph 1 a) 6), after the word "administrative" are added the following words" and violation of the obligations of administrative transparency".

4 bis. At article 1, paragraph 1 of Legislative Decree 29 december 2011, no. 229, the words from "and the subjects" to "institutional activity" are substituted by the following: "as well as the other subjects provided by article 2 bis of Legislative Decree 14 march 2013, no. 33, who realize public works".

5. From the date of entry into force of this Decree, any reference to the Triennial plan for transparency and integrity provided by article 11 of Legislative Decree 27 October 2009, n. 150, is intended as referred to article 10.

### **article 53**

#### **express abrogation of primary rules**

From the date of entry into force of this Decree, the following dispositions are abrogated:

- a) article 26, paragraph 1, Law 7 August 1990, no. 241;
- b) article 1, paragraph 127, Law 23 December 1996, no. 662 and following modifications;
- c) article 41-bis Legislative Decree 18 August 2000, no. 267;
- d) article 40-bis, paragraph 4, Legislative Decree 30 March 2001, no. 165, and following modifications;
- e) article 19, paragraph 3-bis, Legislative Decree 30 June 2003, no. 196;
- f) article 57 Legislative Decree 7 March 2005, no. 82, and following modifications;
- g) article 3, paragraph 18, Law 24 December 2007, no. 244;
- h) article 21, paragraph 1, article 23, paragraphs 1, 2 and 5, Law 18 June 2009, no. 69;
- i) article 11 Legislative Decree 27 October 2009, no. 150;
- l) article 6, paragraph 1, letter b), and paragraph 2, letter b), Decree 13 May 2011, no. 70, converted with modifications, by Law 12 July 2011, no. 106;
- o) article 20, paragraph 1, Legislative Decree 31 May 2011, no. 91;
- p) article 8 Decree 6 July 2011, no. 98, converted, with modifications by Law 15 July 2011, no. 11;
- q) article 6, paragraph 6, Law 11 november 2011, no. 180;
- r) article 9 Legislative Decree 29 november 2011, n. 228;
- s) article 14, paragraph 2, Decree 9 February 2012, no. 5, converted, with modifications, by Law 4 April 2012, no. 35;

- t) article 18 Decree 22 June 2012, no. 83, converted, with modifications, by Law 7 August 2012, no. 134;
- u) article 5, paragraph 11-sexies, Decree 6 July 2012, no. 95, converted, with modifications, by Law 7 August 2012, n. 135.

This Decree, with the State seal, will be inserted in the official collection of the Laws of the Republic of Italy. It is mandatory for everybody to observe it and make it observed.