



The Transparency Decree Legislative Decree No. 33/2013

Transparency is

PROACTIVE

The right of anyone to access data, documents, and information subject to mandatory publication on the institutional websites of public administrations.

REACTIVE

The right of anyone to access data and documents held by public administrations.

GENERALIZED RIGHT OF ACCESS

In order to promote widespread forms of control over the pursuit of institutional functions and the use of public resources, as well as to encourage participation in public debate, everyone has the right to access data and documents held by public administrations, beyond those subject to publication under this decree, in accordance with the limits related to the protection of legally relevant interests as set forth in Article 5-bis.

How to Prepare a FOIA Request? Some Tips

BEFORE SUBMITTING THE REQUEST

1. Verify which administration holds the documents/data.
2. Check the administration's website to see if they are already published.
3. If not, go to the "administration > other content > civic access" section.
4. Check if there is a specific form provided by the administration.

PREPARING THE REQUEST

1. The request must include:
 - a) Your personal details.
 - b) A description (even brief) of the data/documents requested [make sure you are clear].
 - c) The address and the method by which you want to receive the documents.

2. You can submit it via traditional methods or by email/PEC (Certified Email)
[choose to send it to the entity holding the document, the URP (Public Relations Office),
or other contact details provided on the administration's website].

ATTENTION

You can only request "DATA & DOCUMENTS" not "information".

Verify that the decree 33/2013 applies to the institution/company.

What must the public administration (PA) do upon receiving the request:

1. **Forward the request** to the competent entity responsible for responding.
2. If the request is unclear, they will ask for clarification.
3. If there are third parties with an interest in the documents (counter-interested parties), they will be notified of your request and asked if they oppose it (and for what reasons).
[In this case, the deadline for responding is suspended for 10 days].
4. The administration will issue a reasoned decision (either acceptance or rejection) **within 30 days** from the submission of the request.
5. They may charge only the actual costs incurred for reproducing the documents on physical media.

Reasons for denial based on public interests:

1. Public safety and public order.
2. National security.
3. Defense and military matters.
4. International relations.
5. The financial and economic stability of the state.
6. The conduct of criminal investigations and their prosecution.
7. The proper execution of inspection activities.

Reasons for denial based on private interests:

1. Protection of personal data, in accordance with the relevant legislation.
2. The freedom and confidentiality of correspondence.
3. The economic and commercial interests of a natural or legal person, including intellectual property, copyright, and trade secrets.

What if I don't receive what I requested?

Appeals

Available Remedies

1. Non-Judicial Remedies

a) **Request for review**

b) **Complaint to the Ombudsman (Difensore Civico)**

2. **Judicial Remedy**

Appeal to the Regional Administrative Court (TAR)