

## CHAPTER 17

# Italy

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### §17.01 INTRODUCTION

The use of Social Media by employers or employees in Italy is not strictly regulated. Therefore, in order to understand what the limits are and what the possible consequences are if those limits are exceeded, reference has to be made to general principles of law.

As a matter of fact, Italian legislation is still anchored to a vision of the world connected by telephones and regular mail as it was thirty or forty years ago, whilst it is clear to all that things have changed substantially and very quickly, especially during the past ten years, and will keep changing at a speed that the Italian legislator apparently cannot match.

As for privacy-related rights, they are protected in Italy by laws implementing EU directives on privacy and data protection. In addition, guidelines on the usage of Internet and emails were issued by the Data Protection Authority on 1 March 2007, setting out the steps that employers should take to ensure that their possible control measures are lawful (at least from a data protection law perspective). Unfortunately, as of yet there is no law specifically relating to Social Media.

That said, as a general comment it is arguable that the principles on data protection often conflict with other interests, which makes effective protection not always straightforward. One such interest is that of the employer to safeguard its own business.

To fill the large vacuum left by Italian law, employers normally issue internal policies and codes of conduct, which are indeed highly recommended, in order to regulate the use employees can make of company resources such as the Internet and emails and more in general the use that they can make of Social Media. They also serve to inform employees of the monitoring measures their employer intend to implement.