SmartSuite

Framework / Privacy / Global Privacy Regulations

Italian Data Protection Code (Legislative Decree 196/2003 — amended by Legislative Decree 101/2018)

Legislative Decree 196/2003 is Italy's data protection Code: it applies the GDPR in Italy, sets national rules and penalties, and is enforced by the Garante.



What it is

The Italian Data Protection Code (Legislative Decree No. 196 of 30 June 2003, the Codice in materia di protezione dei dati personali) is Italy's national data protection statute: it applies the EU General Data Protection Regulation (GDPR) in Italy and adds rules the GDPR leaves to member states, on children's consent, special categories of data, electronic communications and sanctions. The Code entered into force on 1 January 2004, and Legislative Decree No. 101 of 10 August 2018, in force since 19 September 2018, rewrote it around the GDPR. The supervisory authority is the Garante per la protezione dei dati personali.

At a glance

PUBLISHER
Government of the Italian Republic (legislative decree under delegation from Parliament, Gazzetta Ufficiale No. 174 of 29 July 2003); enforced by the Garante per la protezione dei dati personali

TYPE
Regulation

VERSION
Legislative Decree 196/2003 as amended by Legislative Decree 101/2018 and later laws (Garante coordinated text, version 12.0, April 2026)

EFFECTIVE
January 1, 2004 (original Code); September 19, 2018 (GDPR-aligned text, Legislative Decree 101/2018)

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
Italy

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
High

Source: garanteprivacy.it/home/docweb/-/docweb-display/docweb/9042678

Why it matters

- **Italian rules the GDPR leaves open** Article 2-quinquies sets the age of digital consent at 14, Article 2-sexies covers special categories processed for substantial public interest, and Article 2-septies adds Garante safeguard measures for genetic, biometric and health data.
- **Criminal exposure** Articles 167, 167-bis and 167-ter create offenses, with prison terms from six months up to six years, for unlawful processing, unlawful disclosure of large-scale databases and fraudulent acquisition of them.
- **Cookie and marketing rules** Article 122 requires consent to store or read information on a user's device, and Article 130 requires consent for automated calls and electronic marketing.
- **An active national regulator** The Garante handles complaints under Article 142 and exercises the investigative and corrective powers of Article 58 of the GDPR through Articles 154 to 160.

 © 2026 SmartSuite Inc. All rights reserved.

How SmartSuite supports D.Lgs. 196/2003

Italian Requirement Library

Load Articles 2-quinquies to 2-quaterdecies, the Title X rules and the Garante's guarantee measures as requirements with owners, linked policies and evidence.

Processing Inventory with Legal Basis

Record each processing activity with its legal basis, special-category or criminal-data flag, and the Article 2-sexies or 2-octies authority that permits it.

Designated Persons Register

Track which people are designated under Article 2-quaterdecies, the tasks assigned, the instructions given and the date of authorization.

Cookie, Marketing and Minors Consent Evidence

Attach consent records and notices for Article 122 device access, Article 130 marketing and Article 2-quinquies services offered to children.

Processor and Vendor Oversight

Track processors and electronic communications providers in Third Party Risk Management, with contract terms, assessments and traffic-data retention periods set against Article 132.

Garante Inspection and Complaint File

Keep Garante requests, complaint responses, corrective measures and remediation tasks in one record with deadlines and evidence for an inspection.

Common framework mappings

Convention 108+ | GDPR | ISO 27001:2022 | ISO 27701 | ISO 29100 | NIST Privacy Framework v1.0 | OECD Privacy Guidelines

Official resources

Italy Data Protection Code - Legislative Decree 196/2003

Defines the comprehensive framework for data protection and privacy in Italy.

garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/1311248

Guide on the Application of the Italy Data Protection Code

Provides guidance on implementing the principles of the Data Protection Code effectively.

garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9104301

FAQs on Italy's Data Protection Law

Outlines common questions and detailed answers regarding the Data Protection Code's application.

garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/45248

Rights of the Data Subject under the Italy Data Protection Code

Describes the rights granted to individuals regarding their personal data processing.

garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/1311248

Frequently asked questions

What is Legislative Decree 196/2003 and how does it relate to the GDPR?

It is the Italian Data Protection Code (Codice in materia di protezione dei dati personali), in force since 1 January 2004. Article 1 provides that personal data is processed under the GDPR and under the Code, and Legislative Decree 101/2018 (in force 19 September 2018) rewrote it to adapt Italian law to the GDPR. The Code supplies the national rules the GDPR leaves to member states.

At what age can a child consent to online services in Italy?

At 14. Article 2-quinquies(1) allows a minor aged 14 or older to consent to the direct offer of information society services; below 14, processing based on consent is lawful only if given by the person with parental responsibility. Paragraph 2 requires the controller to write information for children in clear, simple language, and a breach of paragraph 2 carries the lower fine tier of GDPR Article 83(4) under Article 166(1).

Updated Oct 15, 2026 · © 2026 SmartSuite Inc. All rights reserved.

What does the Code say about cookies and electronic marketing?

Article 122 permits storing or reading information on a user's device only with consent given after simplified information, except for technical storage needed to transmit a communication or provide a service the user requested. Article 130 requires consent for automated calls and for marketing by email, SMS, fax and MMS, and allows telephone and paper-mail marketing to people not listed in the public opposition register (130(3-bis)).

Who enforces the Code and what penalties apply?

The Garante per la protezione dei dati personali, designated as supervisory authority by Article 2-bis. Article 166 sets administrative fines at the Article 83(4) tier (up to EUR 10 million or 2 percent of worldwide annual turnover) and the Article 83(5) tier (up to EUR 20 million or 4 percent) for listed Code provisions. Articles 167, 167-bis and 167-ter add criminal offenses with prison terms of six months to six years, and the Garante reports suspected crimes to the public prosecutor.

What changed in the Code recently?

Law 56/2024 amended Article 110 on medical and epidemiological research, Law 182/2025 repealed paragraph 2 of Article 2-octies, Legislative Decree 215/2025 amended Article 132 on traffic data retention, and Decree-Law 19/2026, converted by Law 50/2026, added Article 2-quaterdecies.1, which tells the Garante to set a simplified breach notification procedure for businesses with fewer than five employees. The Garante's coordinated text of April 2026 shows these changes.

License included / downloadable: Yes The Code is Italian legislation published free in the Gazzetta Ufficiale and on Normattiva; the Garante publishes a free coordinated text for information only, which may be reproduced if the source and its unofficial status are stated. The platform links to the Garante's text.

Full framework page and mappings: smartsuite.com/frameworks/italy-data-protection-code-legislative-decree-196-2003