



Croce Rossa Italiana
Organizzazione di Volontariato

Mid Term Report Italian Red Cross

Resolution 4 – Restoring Family Links while respecting privacy, including as it relates to personal data protection

December 2021



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Elements of the resolutions implemented

The Italian Red Cross has implemented the following elements of the Resolution 4:

- The State has taken effective measures to clarify the fate and whereabouts of persons who have gone missing, to restore family links and facilitate reunification of families. The State have considered measures to protect men, women, boys and girls, in particular those in vulnerable situations, including persons with disabilities;
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- The Italian Red Cross has been worked closely with the State, in line with its mandates and the Movement's Fundamental Principles, including in its role as an auxiliary to the public authorities in the humanitarian field, to clarify the fate and whereabouts of missing persons and to enable individuals and their families to establish, restore or maintain contact, including along migratory routes;
- The State has cooperated with the Italian Red Cross by:
 - establishing a partnership to provide connectivity to help separated families restore and maintain family links;
 - granting the access to places where there are people in need of RFL services;
 - facilitating access to relevant personal data and responding to inquiries to help establish the fate and whereabouts of missing persons.
- The Italian Red Cross has processed personal data under the framework set out in the Restoring Family Links Code of Conduct on Data Protection. The Italian Red Cross has recognized the difficulty of acquiring consent in cases of missing or separated families, and the necessity to rely upon alternative valid bases for processing of personal data;
- The Italian Red Cross has worked to proactively address and provide adequate safeguards against the risks associated with personal data processing;
- The Italian Red Cross has worked in cooperation with the State to ensure that personal data were not requested or used for purposes incompatible with the humanitarian nature of the work of the Movement.

Examples / Good practices

Since the beginning of the Covid-19 pandemic, the Italian Red Cross has worked in cooperation with the Italian Authorities to assist people in need, including families, separated from their loved ones. Within the framework of its auxiliary role, the Italian Red Cross has assisted people separated due to the isolation and/or restriction to the movement on the territory (elderly people, hospitalized people) as well as migrants arriving by sea, including those on quarantine ships.

During the emergencies that occurred (i.e., the humanitarian crisis in Afghanistan), the Italian Red Cross has worked together with the State to take measures intended to restore the family links and facilitate the reunification of families. Despite the situation of emergency, in these diverse contexts, some measures have been taken to ensure that the processing of the beneficiaries' data was in line with the Italian and the EU legal framework, together with the RFL Code of Conduct on Data Protection.

On the quarantine ships, the data protection was considered a fundamental aspect, with regards to both the correct modalities to provide information on the data treatment and the acquirement of the consent. For both aspects, it was investigated a valid basis for processing personal data (vital interest, public interest, legitimate interest of the Association), and the proper modalities to inform the migrants onboard about the treatment of their data and their related rights. Specific modalities were indeed identified, such as information provided by posters in several languages on the walls that were positioned in different visible areas of the ships, and information sessions on data protection. In addition, focus groups and individual sessions on RFL were organized together with cultural mediators to provide information on RFL in all the languages of the beneficiaries.

The needs of the separated families were considered in all the mentioned contexts (hospitals and other health facilities, quarantine ships, etc.), and the RFL services were provided in cooperation with the competent Italian Authorities during the quarantine. To this end, the forms to collect personal data were adapted to the context, and specific guidelines to process cases in time of pandemic were shared with the RFL staff and volunteers. In this regard, the Italian Red Cross RFL Unit worked closely with the Legal Unit in order to adopt measures in line with the legal framework. It is relevant to highlight that information note on the functioning of the Family Links network and treatment of data within the RFL service have been always foreseen by the use of forms available in Italian, English, and French language. They contain information in line with the most recent legislation on data protection (Italian law and GDPR 2016/679).

As per the role of the National Society as an auxiliary to the public authorities in the humanitarian field, especially when it comes to the support to people along their



migratory routes, the Italian Red Cross has worked closely with the State (above all with the Ministry of the Interior) to enable individuals and their families to establish, restore or maintain contact. The RFL service has been ensured to all migrants arriving by sea, especially during their quarantine (information on the family unit and the functioning of the Family Links network; provision of WI-FI connection; collection and delivery of RCMs, Safe&Well Messages, warning of separation; support to the family reunification). With regard to the shipwrecks that occurred in the Mediterranean Sea, the Italian Red Cross has processed data collected during a debriefing with survivors to support the families of the victims and clarify their fate and whereabouts. This latter has been systematically done in synergy with psychologists and in coordination with all the relevant focal points for the activity.

It is relevant to highlight that the agreements with relevant authorities to assist migrants, as well as the access granted to the Italian Red Cross to respond to RFL, emerging needs (reception centre, prisons, etc.) has demonstrated cooperation ensured by the Italian State to help separated families restore and maintain family links. It includes access to relevant personal data, which has enabled the Italian Red Cross to carry out inquiries to help establish the fate and whereabouts of missing persons.

With regard to the functioning of the RFL network in Italy, the activities have been carried out by taking into account the major risks related to the misuse of the beneficiaries' data. To this end, an ad hoc training module was created to update the RFL practitioners on data protection and its legal framework, including instructions and tools (dedicated forms, lines of communications, etc.). The module is part of a 5 hours training aimed at filling the gap between the previous RFL training program and the new RFL training course. The RFL Code on Data Protection and its application is part of the topics of the above-mentioned module on data protection.

Regarding the risks linked to the data processing, the Italian Red Cross has worked to provide adequate safeguards. The most relevant aspect concerns cybersecurity, namely the modalities for transmitting documents. In this regard, dedicated emails with an Italian Red Cross account have been created to ensure proper internal information sharing. As per the external information sharing, specific tools have been introduced (i.e., Secure File Exchange).

Additionally, the Italian Red Cross implemented organizational measures aimed at implementing the legislation on the protection of personal data. Among these measures, it is relevant to mention that the staff working on RFL services was appointed as a data processor with a formal act (internal staff), while for external human resources treating personal data on behalf of the National Society it has been foreseen an agreement to



nominate she/he as an external data processor (i.e., the EU projects carried out within the RFL service).

Impact on the implementation of this resolution

The implementation of Resolution 4 has had a significant impact during the Covid-19 pandemic, for different reasons. Firstly, due to the restrictive measures to the movement of the people in Italy, often the processing of personal data has been carried out without an interview with the beneficiary. It represents a potential risk in terms of protection, in the sense that the intervention of the Red Cross has been done in the interest of the separated families, nonetheless the potential risk of misuse of data and/or the use of the data for purposes not exclusively linked to the restoring and maintaining the family link.

Another aspect concerns the limits in providing information to the public authorities, including cases of request, addressed to the Italian Red Cross for purposes not related to the humanitarian scope of restoring family links.

The impact has been certainly positive for the beneficiaries of the RFL service. By protecting their personal data, the families assisted by the Italian Red Cross through its international Family Links network felt in fact safe and protected. It is relevant to highlight that they are informed about the use of their data within the framework of the RFL service for a unique humanitarian scope. In addition, it is done by putting in place all the possible measures to protect their data. It applies particularly when it comes to assistance to asylum seekers and refugees.

Partners on the implementation

1. The Italian Government, in particular the Ministry of the Interior.
2. The component of the International Red Cross and Red Crescent Movement. In particular, the members of the Family Links Network
3. Humanitarian stakeholders, such as Search and Rescue NGOs.

Challenges during the implementation

1. The Covid-19 pandemic has been an impact on the RFL service in Italy. It relates to the areas of intervention as well as to the methodology carried out to assist the families. In effect, during the pandemic, the RFL service adapted itself both in terms of context (i.e., activities implemented on ships dedicated to the quarantine of migrants arriving by sea), and procedures implemented in consideration of preventing measures to avoid the risk of contagious, particularly social distancing and isolation. The challenges have concerned the capacity to adapt the procedures and the tools to ensure the protection



of the beneficiaries' data while processing them in accordance with the national and the EU legal framework. Despite the limits to the movement on the Italian territory, the Italian Red Cross has taken specific measures by developing operational procedures and guides aimed at guaranteeing privacy and data protection, avoiding the risk to expose the beneficiaries (firstly, the migrants) to further risks.

2. Another challenge is related to the efforts of the Italian Authorities to clarify the fate and whereabouts of persons who have gone missing by crossing the Mediterranean Sea. In effect, together with the Italian Red Cross, the Italian Government is working to identify the bodies of the victims of the shipwrecks that occurred at Sea. It is relevant to mention the Memorandum of Understanding signed with the Special Commissioner of the missing persons in Italy to facilitate the identification procedures of (migrants) victims of shipwrecks. Within this framework, data protection is one of the most significant challenges. From one side, there is a need to share with the concerned authorities all the relevant information of a missing. From the other side, it has emerged a need to limit and select the information to be shared, in order to protect the families according to the RFL Code of Conduct and the Fundamental Principles of the Movement.
3. Regarding the information sharing within the Movement, specifically within the RFL Family Links, a challenge is linked with the data processing, especially when it comes to the transmission of documents. Despite the use of digital tools to ensure a proper data treatment, there is no uniformity in the usage of the tools adopted by each component (interoperability of the database in use FLA, Secure File Exchange, etc.).