

## ITALIAN RED CROSS Reporting

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

Since the last reporting period (December 2021), the following elements of the resolution have been implemented.

1. Effective measures to prevent persons from going missing, to clarify the fate and whereabouts of persons who have gone missing, to restore family links and facilitate reunification of families, and to avoid, as far as possible, family separation, consistent with applicable legal frameworks have been taken. This has been implemented by the National Society at the National, regional, and local levels, through the Italian RFL network and thanks to the collaboration with various stakeholders, including the authorities;
2. In synergy with the State, the Italian Red Cross worked to put in place measures to protect men, women, boys, and girls, in particular those in vulnerable situations, including persons with disabilities. The Authorities published a Handbook for the identification, referral, and care of persons living with vulnerabilities entering Italy and within the protection and reception system, in collaboration with various stakeholders including the Italian Red Cross. It contains a dedicated session to the RFL service, as the needs of separated families have been included within the framework of the vulnerabilities. The Handbook was created in both Italian and English versions. It is available on the Italian Ministry of the Interior website at the following link:  
<https://www.interno.gov.it/it/stampa-e-comunicazione/pubblicazioni/vademecum-rilevazione-referral-e-presa-carico-persone-portatrici-vulnerabilita-arrivo-sul-territorio-ed-inserite-nel-sistema-protezione-e-accoglienza>.
3. The Italian Red Cross has worked closely with the State, in line with 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, and maintain contact, especially along migratory routes;
4. The State recognizes the role of the National Society in providing certain services to support separated families, and includes the RFL among services that the National Society is authorized

to offer to the population in need, especially when dealing with family members separated from their loved ones along their migratory routes;

5. The Italian Red Cross processes the personal data of persons assisted according to the Restoring Family Links Code of Conduct on Data Protection;
6. The Italian Red Cross, in line with its mandate and the legal framework, can assist families even when it is difficult to acquire their consent. Specifically, the public interest applies when dealing with the search for missing persons within the RFL service;
7. The Italian Red Cross is committed to enhancing its capacity to assist separated families in complying with safeguards against the risks associated with personal data processing, including in case of the use of personal data for other purposes than restoring and maintaining family links. In particular, this is a priority for the National Society for cases of potential victims of shipwrecks, since the data processing includes the transmission of sensitive data and the potential use of this data for other purposes;

### Examples / Good practices

Since the last reporting period (December 2021), the Italian Red Cross continued keeping data protection as a key priority in all its activities addressed to separated families.

In particular, numerous initiatives and activities were implemented to deal with the consequences of the data breach to the servers of the ICRC that occurred in January 2022. For this purpose, the concerned departments of the National Society worked closely to ensure a rapid and efficient mechanism to put in place all the required measures to minimize the potential risks linked to the data breach. Indeed, following the prompt involvement of the DPO, several documents were produced, including guidelines and information notices in various languages. The Italian Red Cross worked closely with the Italian Authorities, namely with the Data Protection Authority (Garante Nazionale), providing all the required information, including timely updates on the activities carried out and confirming the closure of the activity.

In this framework, the Italian Red Cross worked actively to assess all the cases within its database where the Enquirers resided in Italy. Following the identification of cases, the Red Cross took proactive steps to re-establish contact with the families and inquirers of these cases. This direct outreach was essential in informing them about the hacker attack on the ICRC servers, ensuring transparency, and providing reassurance. Recognizing the sensitivity of the situation, the Red Cross offered affected families the option to decide on the fate of their data. They were given the choice to either keep their requests open in the database or request the closure of their cases. Additionally, they were assured that their data would be deleted from the archives upon request.

This activity was implemented in continuous coordination with the Italian Red Cross Legal Department and the DPO to respond effectively to a data breach and mitigate its consequences, especially when it concerns sensitive information related to families. By conducting this comprehensive assessment and taking proactive measures to engage with affected families, the Italian Red Cross demonstrated a commitment to transparency, accountability, and safeguarding the privacy rights of those impacted by the data breach.

Additionally, the Italian Red Cross has undertaken significant efforts to address the challenges brought by the data breach, particularly in enhancing its data protection measures and ensuring compliance with regulations. One crucial aspect of this work has been the review and update of modules related to

privacy that beneficiaries are required to sign, as well as providing updates on data protection topics to the Italian Red Cross personnel.

Another crucial aspect to which the Italian Red Cross pays special attention is data protection in treating cases related to missing migrants. At the initial stage of dealing with these cases, the Italian Red Cross employs a careful approach to minimise the risks associated with the handling of personal data. One of the key strategies applied for this type of case is sharing with the concerned stakeholders of anonymized modules, which contain only the physical description of the sought persons, without divulging their data or the personal data of their family members. By implementing this type of measures, the National Society effectively balances the need to share information for humanitarian purposes with the imperative to protect personal data from misuse or unauthorised access.

In addition to the anonymized modules, the Italian Red Cross ensures the secure transmission of information through dedicated systems of file exchange (e.g. ASPERA).

One more best practice concerns the RFL training pathway. To become an RFL practitioner, both Italian Red Cross Staff and Volunteers must follow a training course on RFL services, including modules dedicated to data protection. In particular, the RFL specialisation course contains three sessions dedicated to the legal framework on data protection, the RFL Code of Conduct on data protection, and the data protection forms in use. According to the training program, the above-mentioned sessions are carried out by an expert in data protection, together with a trainer with a deep knowledge of the RFL Service.

#### impact of the implementation of this resolution

The implementation of the resolution on data protection has had a notable impact on the activities of the Italian Red Cross. Ensuring the protection of the data of the families assisted by the Italian Red Cross has taken a fundamental role, as demonstrated by the processing of personal data of the beneficiaries by all the personnel and RFL offices involved, the training addressed to the Italian Red Cross personnel which include specific modules dedicated to the topic, and the continuous efforts to ensure the update of the information notice and consent forms.

The continuous commitment of the Italian Red Cross in synergy with the Institutions to ensure the protection and assistance of the migrants from their arrival and during their stay in Italy demonstrates the capacity of both the National Society and the concerned authorities to implement this resolution. This is relevant when it deals with processing the personal data of migrants arriving by sea, specifically for cases of separated families in need.

While the resolution has facilitated certain aspects of data protection compliance within the organisation, there are still significant challenges in sensitising authorities to adhere to these standards. Sensitising authorities to the importance of data protection requires ongoing advocacy and outreach efforts. This may involve engaging in a more constructive dialogue with relevant government agencies to advocate for stronger data protection regulations and enforcement mechanisms.

#### Partners on the implementation

- The Italian Ministry of the Interior;
- The component of the International Red Cross and Red Crescent Movement. In particular, the members of the Family Links Network;

- European Union Agency for Asylum;
- UNHCR;
- Non-Governmental Organisations operating in the Mediterranean (Search and Rescue operations);
- The Italian Data Protection Authority.

### Challenges during the implementation

The Data breach has had an important impact on the RFL service in Italy. It is worth admitting the crucial role that the Italian Red Cross' RFL Network played in the exercise of re-contacting family members to inform them about the hacker attack. However, this exercise highlighted the challenges related to the disparities in capacity across different regions, necessitating additional efforts and time to address the situation effectively. Indeed, the capacity of the Italian Red Cross RFL Network varies significantly from region to region. Some areas have well-established teams with experienced volunteers, robust infrastructure, and efficient processes. In contrast, other regions may face limitations due to fewer volunteers, limited resources, or logistical challenges. These disparities required additional efforts to conclude the activities and to provide support to the families in the most efficient and timely manner.

Another challenge that was encountered by the Italian Red Cross was the challenge related to the process of aligning the national RFL Network for the usage of the updated modules on privacy. Despite efforts to introduce and emphasize the importance of using the updated versions during dedicated sessions with RFL Regional Focal Points, some obstacles persisted.

Indeed, in some cases, the volunteers may have been accustomed to using older versions of consent modules, without paying special attention to the changes that have been adopted. Therefore, the Italian Red Cross has been working hard on the awareness sessions ensuring that all volunteers across the national RFL Network were properly trained on the use of updated modules and aware of the rationale behind those changes.

Furthermore, the Italian Red Cross faced some challenges in the treatment of missing migrants' cases (those related to potential victims of shipwrecks), particularly concerning the initial sharing of anonymized modules that contain only physical descriptions of sought individuals, without divulging their data. It is important to highlight that for the National Society, this approach is crucial, as it aims to protect the privacy and safety of the individuals involved, however, it often leads to discussions and challenges from stakeholders who insist on receiving complete files. To navigate these challenges, the Italian Red Cross must engage in advocacy efforts with the stakeholders emphasizing the importance of sharing partial information to protect families.

Another challenge is related to the capacity to ensure the dignified treatment of people who have died in the context of migration and to centralize and analyze data following applicable legal frameworks to try to identify deceased persons and provide answers to their families. The Italian Red Cross, in collaboration with the ICRC, is working on this topic, facing difficulties in responding timely to the requests of the families, due to the procedures in place and the involvement of various bodies and authorities.

