

Privacy Crackdown: Hard Times for Online Fraud

A series of legislative measures to improve privacy protection recently came into force. The changes are significant and may affect every company engaged in commercial activity.

The measure is Legislative Decree 93 of 14 August 2013, originally intended to combat gender-based violence, but ultimately also relevant to online operators. The rules changed for offences involving computer fraud with digital-identity substitution, credit-card forgery and privacy crimes.

For these violations, companies may be held liable under Legislative Decree 231/2001. There will not only be a direct criminal penalty for the manager or employee personally responsible for the criminal conduct; an administrative sanction may also apply to the company they belong to, under a form of objective liability.

For the first two offences, computer fraud with digital-identity substitution and credit-card forgery, there are no major operational consequences. Privacy offences are different: a company can be sanctioned even if one of its employees unlawfully processes customer data.

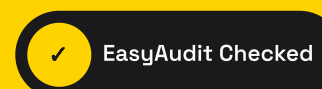
This possibility can affect any business and permanently change how online operators behave. To prevent sanctions, companies will no longer be able to rely only on the 231 models provided for by the 2001 decree; they will need new organizational models designed to counter the newly introduced offences.

The aim of the rule is to increase consumer confidence in online services by limiting fraud in a rapidly expanding sector. The sanction can be substantial: the judge may impose a fine between one hundred and five hundred quotas, where each quota may range from 258 to 1,549 euros, for a total between 25,800 and 774,500 euros.

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