



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 29 January 2020

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## FIRST SECTION

Application no. 77419/16  
Alessandro BIANCARDI  
against Italy  
lodged on 7 December 2016

## SUBJECT MATTER OF THE CASE

The case concerns the right to be forgotten (*diritto all'oblio*). The applicant is the chief director of an online newspaper which published an article concerning a fight followed by a stabbing in a restaurant. Upon a claim filed by the restaurant's manager and the restaurant itself before the Court of Chieti, the applicant was ordered to compensate the claimants for the damages resulting from the breach of their right to reputation, with regards in particular to the prolonged possible access to the said article through the web and thus, to their personal data.

## QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to freedom of expression, in particular his right to impart information, contrary to Article 10 of the Convention (see *Times Newspapers Ltd v. the United Kingdom (nos. 1 and 2)*, nos. 3002/03 and 23676/03, § 27, ECHR 2009 and *Delfi AS v. Estonia* [GC], no. 64569/09, ECHR 2015)?

2. Have the national authorities held a balancing exercise between the applicant's right to publish information guaranteed by Article 10 of the Convention and the right to reputation of the persons who were the subjects of that article, protected by Article 8 of the Convention (see *Axel Springer AG v. Germany* [GC], no. 39954/08, § 87, 7 February 2012), with regard in particular to prolonged possible access to the article in question through the web and thus to their personal data?

### **REQUEST FOR INFORMATION**

The applicant is requested to send a copy of the document(s) proving that he has the quality to represent the on-line newspaper *PrimaDaNoi.it* and *Donlisander Communication* before the Court.