

CDP/COMP/694/2025

Margherita Simona Giudetti

vs

Mark Camilleri

COMPLAINT

1. On the 23rd December 2025, Ms Margherita Simona Giudetti (the “**complainant**”) lodged a data protection complaint with the Information and Data Protection Commissioner (the “**Commissioner**”) pursuant to article 77(1) of the General Data Protection Regulation¹ (the “**Regulation**”), alleging that Mr Mark Camilleri (the “**controller**”) published an article² on the website ‘*The Maltese Herald*’ on the 12th May 2025, which contains information about the complainant that is processed in an unlawful manner.
2. The complainant submitted that the controller published an article which reiterates allegations that have been conclusively dismissed by the competent courts and are no longer relevant. She further explained that her involvement in legal proceedings in Malta arose solely from her role as Chief Operating Officer of UniqGroup Limited, and that, in 2018, the Italian courts expressly cleared her of any association with mafia-related crime. 
3. The complainant argued that the article improperly revives events dating back approximately a decade, and therefore, this infringes her right to erasure under the Regulation. In particular, she argued that the continued availability and indexing of the article unjustifiably prolong public exposure to matters that have been definitively resolved and are no longer pertinent. In the complainant’s view, the ongoing publication does not serve any overriding or legitimate public interest, especially in light of the court findings in her favour and the significant passage of time since the events occurred.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

² ‘*The Italian Mafia goes to Africa: the sprawling online gambling network of Mario Gennaro*’ <https://themaltesheherald.com/2025/05/12/the-italian-mafia-goes-to-africa-the-sprawling-online-gambling-network-of-mario-gennaro/>

Right to Erasure Request

4. As supporting documentation, the complainant submitted a request for erasure dated the 10th November 2025, which was sent to the controller via email dated the 2nd December 2025, in which the complainant argued that the following information is inaccurate and no longer relevant:

“Mario Gennaro’s gambling empire is now run from Spain, more specifically from Barcelona and Valencia region through a company called Limitless Lab SL. The company is one of the many companies running the brand PlayLogicIQ [...] Margherita Simona Giudetti, who was previously extradited from Malta to Italy, is one of the individuals currently running PlayLogicIq through Limitless Labs in Spain”.

5. The complainant further submitted that she is not the owner or director of Limitless Labs SL and that such company is a Spanish technology firm based in Barcelona, focused exclusively on software development for B2B clients, with no connection to Malta.
6. On the 3rd December 2025, the controller provided the following response to the complainant: *“Margherita Simona Guidetti is Mario Gennaro’s business partner she has the right of reply but as I said nothing will be pulled down”.*

Further clarification sought by the Commissioner



7. In support of the statement of the complainant that *“Ms Guidetti has since been cleared by the courts from any relations to the mafia, confirming therefore that the Offending Statement is false and being circulated merely to injure the reputation of our Client [the complainant]”*, the Commissioner requested the complainant to provide a copy of the said judgment.
8. On the 23rd February 2026, the complainant submitted the following documentation: (i) a copy of the judgment delivered by the Corte di Appello di Reggio Calabria, dated the 17th October 2018 and which, according to the complainant, confirms that she was cleared of any association with mafia-related criminal offences; and (ii) recent extracts of her criminal record certificate and certificate of pending charges, issued a few days prior, which, according to the complainant, this indicates the absence of any recent convictions and of any pending criminal charges.

9. Given that the judgment was submitted in Italian, the Commissioner requested the complainant to provide a certified English translation of the relevant excerpts concerning the complainant. The complainant complied with this request of the Commissioner.

INVESTIGATION

Request for submissions

10. Pursuant to the internal investigative procedure of this Office, the Commissioner provided the controller with a copy of the complaint and enabled the controller to provide any information that he deemed relevant and necessary to defend himself against the allegation raised by the complainant. In addition, pursuant to article 58(1)(e) of the Regulation, the Commissioner requested the controller to justify how the processing of the personal data pertaining to the complainant is proportionate, necessary and justified for reasons of substantial public interest.

Submissions of the controller

11. On the 2nd March 2026, the controller submitted the following arguments which are being reproduced *verbatim*:
- a. that *“Margherita Simona Giudetti, who was previously extradited from Malta to Italy, is one of the individuals currently running PlayLogicIq through Limitless Labs in Spain. This is in the public interest”*;
 - b. that *“[t]he individuals have past associations with the Italian Mafia and have also a record of crimes in Malta as accused by Italian authorities. They went to Spain to open shady gambling companies which are offering services to people in Africa”*; and
 - c. that *“[w]e believe that Margherita Simona Giudetti should be disclosed given her past record with organised criminal groups. These are not just ordinary and petty criminals – they are involved in very shady businesses”*.

Submissions of the complainant

12. The complainant was provided with the opportunity to rebut the arguments of the controller. On the 24th March 2026, the complainant submitted the following counterarguments:

- a. that the Commissioner has repeatedly confirmed in its prior decisions, the matter to be examined is not the factual merits of the underlying contents of the case, but rather whether the continued publication satisfies the legal tests of necessity, proportionality and public interest contribution;
- b. that the complainant had voluntarily provided certified copies of her conduct certificates from Italy, Spain and Malta in order to further demonstrate her good character and reinforce the submissions made, as well as official translations of the excerpts of the Italian court judgment pertaining to her;
- c. that the basis of the complaint is that the continued online publication of the article in question neither serves the public interest nor satisfies the proportionality requirements established under the European human rights case-law;
- d. that the alleged events referred to in the publication occurred over ten (10) years ago, and its continued circulation today constitutes a disproportionate and unjustified interference with the complainant's fundamental right to be forgotten under articles 7 and 8 of the Charter of Fundamental Rights and article 17 of the Regulation;
- e. that, in assessing the request of the complainant, the criteria established by the European Court of Human Rights in *Coudrec and Hachette Filipacchi Associes v. France* and more recently confirmed in *Axel Springer AG v. Germany* are directly applicable. Their application to the following case is as follows:
 - i. *Contribution to a Debate of Public Interest*: It is evident that no public debate presently exists regarding the matter in question and the alleged events relied upon are historic having occurred more than a decade ago, conclusively adjudicated and devoid of current relevance to public discourse. The sole consequence of the article's continued availability is significant ongoing reputational harm to a private individual. The publication therefore serves no legitimate public interest at this date.
 - ii. *Degree of Notoriety of the Person Concerned*: The complainant is a private individual with no public role or political function. As consistently held by the ECtHR jurisprudence, private individuals are entitled to an enhanced level of protection of their personal data and personal dignity. Additionally, the complainant has never before nor since been involved in any matter attracting public scrutiny or controversy of a similar nature. The conduct certificates



submitted for the Commissioner's consideration further confirm the absence of any basis for continued public exposure;

- iii. *Subject Matter of the Report:* The subject matter is of an exceptionally serious and aggravated nature, as the article improperly associates the complainant with mafia-related criminality, which is an allegation that is entirely unfounded in fact and law. The article published by the controller is outdated, misleading and incomplete given that the alleged events occurred several years ago, the matter was definitively concluded by a judgment of the Criminal Court of Appeal of Reggio Calabria, which judgment became final and irrevocable on the 4th December 2018. Although it does not fall within the remit of the Commissioner to examine the merits of the case, the final judgment expressly excluded the application of article 416-bis of the Italian Criminal Code (mafia-type association), as well as any mafia-related aggravating circumstances, including the former Article 7 of Law No. 203/1991, which was removed at the appellate stage. Accordingly, the proceedings did not result in any conviction for mafia-related offences. The only sentence imposed concerned a separate offence and has since been fully extinguished in accordance with the Italian procedural law. The omission of these decisive elements renders the article inaccurate and disproportionate, particularly by failing to reflect the final outcome of the legal proceedings.
- iv. *Content, Form and Consequences of the Publication:* The language, framing and presentation of the article, particularly the extremely serious insinuations of organised criminal involvement, have had severe consequences on the complainant's reputation, dignity, personal and professional life. The ECtHR has repeatedly held that where the consequences of the publication are serious and its public-interest value minimal or non-existent, the individual's right to privacy must prevail.
- f. that, for all the foregoing reasons, the complainant respectfully requested the Commissioner to order the removal of the article in question, as its continued availability constitutes an unjustified and disproportionate interference with the complainant's fundamental right to privacy and her right to be forgotten under article 17 of the Regulation.

Final Submissions of the controller

13. On the 14th April 2026, the controller rebutted the arguments of the complainant and submitted as follows: "*Simona Giudetti is involved in a very parasitic business operation, offering*

gambling services to Africans. These Africans are also using crypto-currency to bet and deposit money on their platforms. It is in the public interest to know who are ALL owners of any betting website and gaming company, let alone if the owners were previously members of organised criminal groups”.

LEGAL ANALYSIS AND DECISION

14. For the purpose of the investigation of this complaint, the Commissioner proceeded to assess whether the publication of the article in relation to the complainant on the website ‘*The Herald*’, is lawful and compliant with the applicable data protection legislation.
15. The Commissioner notes that the article entitled ‘*The Italian Mafia goes to Africa: the sprawling online gambling network of Mario Gennaro*’ published on the website ‘*The Herald*’ on the 12th May 2025, contains the following information in relation to the complainant:

*“Mario Gennaro’s gambling empire is now run from Spain, more specifically from Barcelona and Valencia region through a company called Limitless Lab SL. The company is one of the many companies running the brand PlayLogicIQ [...] **Margherita Simona Guidetti, who was previously extradited from Malta to Italy, is one of the individuals currently running PlayLogicIq through Limitless Labs in Spain**”*
[emphasis has been added].



16. The Commissioner observes that the controller published information stating that the complainant had previously been extradited from Malta to Italy and, within the same context, portrayed the complainant as being connected to unlawful gambling. The manner and context within which the information is presented lead the readers to infer an association between the complainant and alleged mafia-related criminal activities.
17. The Commissioner emphasises that the scope of the investigation is not to determine whether the statement concerning the complainant is defamatory or not, as this falls outside the competence of the Commissioner, but rather to determine whether the processing of the personal data pertaining to the complainant complies with the requirements of article 9 of the Data Protection Act (Cap. 586 of the Laws of Malta).

Article 9 of the Data Protection Act (Cap. 586 of the Laws of Malta)

18. The Commissioner refers to article 85 of the Regulation, which enables the reconciliation of the right to the protection of personal data with the right to freedom of expression and information, including processing for journalistic purposes. It is widely recognised that these two rights are of equal value, expressly excluding that one right is innately privileged. To this end, article 85(2) of the Regulation enables Member States to provide for exemptions or derogations from the provisions of the Regulation as necessary to reconcile the two rights. Additionally, in its judgments in *Lindqvist*, *Satamedia*, and *Buivids*, the CJEU made it clear that the reconciliation exercise must be carried out at the national level.
19. Accordingly, the Data Protection Act (Cap. 586 of the Laws of Malta) which further specifies the provisions of the Regulation, provides journalists with exemptions from complying with certain obligations under the Regulation. This is in view that pursuant to recital 4 of the Regulation, the right to the protection to personal data is not an absolute right and it must be considered in relation to its function in society and be balanced against other fundamental rights.
20. The proviso to article 9(1) of the Regulation provides that “*when reconciling the right to the protection of personal data with the right to freedom of expression and information, the controller shall ensure that the processing is proportionate, necessary and justified for reasons of substantial public interest.*”. Therefore, the exemption should not be treated as a blanket exemption that automatically absolves journalists from data protection obligations. Rather, it is conditional upon the journalist *qua* a controller being able to demonstrate that the processing of personal data for journalistic purposes satisfies all three (3) cumulative conditions: (a) proportionate; (b) necessary; and (c) justified for reasons of substantial public interest. In relation to the latter condition, the legislator intentionally uses the wording “*substantial public interest*” as opposed to merely “*public interest*”. Naturally, this demonstrates that the law seeks to impose a higher threshold for justification, and as a result, the controller must be able to show that there is a compelling reason tied to pressing societal needs. In light of this, the Commissioner emphasises that individuals who publicly impart information via websites and any other public platforms, must exercise caution, as the content remains permanently accessible and can potentially reach an indefinite number of people.
21. The reconciliation exercise should be done in conformity with the case law of the European Court of Human Rights (the “**ECtHR**”). Over the years, the ECtHR has developed a substantial body of jurisprudence addressing the balancing of the right to respect for private life under article 8 of the European Convention on Human Rights (the “**ECHR**”) with the right to freedom of expression under article 10. In doing so, the ECtHR has established well-defined criteria that

serve as guiding principles for conducting such a reconciliation exercise. These include, *inter alia*, the following considerations:

- a. the contribution to a debate of public interest;
- b. the official functions and public profile of the person concerned;
- c. the subject of the news report;
- d. the method of obtaining the information and its veracity/circumstances; and
- e. the content, form and consequences of the publication.

The contribution to a debate of public interest

22. The first ground is that the publication of information will be in the public interest where it contributes to a debate of general public interest. This is viewed as the prevailing rationale adopted by the ECtHR. This principle is rooted in the idea that free expression is essential in fostering democratic debate and participation.
23. To this end, the Commissioner, in terms of article 58(1)(e) of the Regulation, requested the controller to demonstrate how the processing of the personal data pertaining to the complainant is indeed proportionate, necessary and justified for reasons of substantial public interest. On the 2nd March 2026, the controller argued that the publication of the personal data pertaining to the complainant serves the purpose of public interest commentary on the basis that “[t]he individuals have past associations with the Italian Mafia and have also a record of crimes in Malta as accused by Italian authorities. They went to Spain to open shady gambling companies which are offering services to people in Africa”. The controller further argued that “[w]e believe that Margherita Simona Giudetti should be disclosed given her past record with organised criminal groups. These are not just ordinary and petty criminals – they are involved in very shady businesses”.
24. The Commissioner refers to the submissions of the complainant dated the 24th March 2026, wherein the complainant rebutted the arguments of the controller and submitted that there is no ongoing public interest or debate in relation to the matter at issue, on the basis that the alleged events relied upon are historical in nature, having occurred a decade ago, and have been conclusively adjudicated. The complainant further submitted that such events lack any current relevance capable of justifying their public disclosure, and stated as follows:

“The article therefore is outdated, misleading, and incomplete, given that:

the alleged events occurred several years ago,

the matter was definitively concluded by a judgment of the Criminal Court of Appeal of Reggio Calabria, which judgement became final and irrevocable on the 4th December 2018, and although it does not fall within the remit of this Commissioner to examine the merits of the case, the final judgment expressly excluded the application of Article 416-bis of the Italian Criminal Code (mafia-type association), as well as any mafia-related aggravating circumstance, including the former Article 7 of Law No. 203/1991, which was removed at the appellate stage. Accordingly, the proceedings did not result in any conviction for mafia-related offences. The only sentence imposed concerned a separate offence and has since been fully extinguished in accordance with Italian procedural law.”.

25. To this end, the Commissioner examines the contents of the article published by the controller, in particular, the wording “*Margherita Simona Guidetti, who was previously extradited from Malta to Italy*” and notes that, according to the judgment *Il-Pulizija (Spettur Mario Cuschieri) vs Margherita Simona Giudetti*³, dated the 22nd July 2015, the complainant has indeed been extradited from Malta to Italy. However, the Commissioner further observes that the judgment of the Court of Appeal of Reggio Calabria, dated the 17th October 2018, did not result in any criminal conviction in respect of mafia-related offences concerning the complainant.

26. In his assessment, the Commissioner considers the passage of time to be a decisive factor in determining whether the contested publication at issue serves a substantial public interest. This approach was reaffirmed in *Hurbain v. Belgium*, where the ECtHR accepted that, in certain circumstances, the relevance of published information concerning a criminal conviction connected with a fatal road accident, may diminish over time, particularly where it no longer contributes to an ongoing public debate.

“In the Court’s view, the relevance of information is often closely linked to its topicality. Contrary to the applicant’s assertions (see paragraph 137 above), it considers that the passage of a significant length of time has an impact on the question whether a person should have a “right to be forgotten”. Like the Government, it notes that the passage of time since initial publication is one of the criteria

³ Appeal Number 581/2015, Court of Magistrates.

highlighted by national courts in Europe in cases concerning the same issue (see paragraph 153 above; see also the judgment of the Spanish Constitutional Court – paragraph 108 above, and the judgment of the German Federal Constitutional Court – paragraph 115 above).’’⁴
[emphasis has been added].

27. In the present case, the Commissioner notes that the complainant was indeed subject to extradition proceedings in Malta. However, this event occurred approximately ten (10) years prior to the publication at issue and did not result in any criminal conviction before the Italian courts. In light of these circumstances, the Commissioner is of the view that the availability of information relating to the complainant’s extradition no longer retains any significant relevance to any current matter of public interest. Accordingly, the significant lapse of time since the extradition proceedings in Malta, when considered alongside the absence of a criminal conviction before the Italian Courts, weighs against the existence of a substantial public interest capable of justifying the ongoing processing of the complainant’s personal data.
28. Finally, the Commissioner emphasises that, pursuant to the principle of accountability as set forth in article 5(2) of the Regulation, it is incumbent upon the controller to demonstrate that the material published on the website ‘*The Herald*’ contributes to a matter of substantial public interest. In his submissions dated the 2nd March 2026, the controller sought to justify the publication by referring to the complainant’s “*past associations with the Italian Mafia and have also a record of crimes in Malta as accused by Italian authorities*”. However, this claim was not supported by any reference to, or production of, judicial findings establishing criminal liability on the part of the complainant, or by any other evidence capable of substantiating the existence of substantial public interest.



How well known is the person concerned and what is the subject of the report?

29. According to the case-law of the ECtHR, the role or function of the person concerned and the nature of the activities that are the subject of the article constitute an important criterion. The judgment *Axel Springer AG v. Germany* of the ECtHR emphasises that a “*fundamental distinction needs to be made between reporting facts capable of contributing to a debate in a democratic society, relating to politicians in the services of their official functions for example, and reporting details of the private life of an individual who does not exercise such functions*”⁵.

⁴ Application No. 57292/16, *Hurbain v. Belgium*, delivered on the 4th July 2023, paragraph 220.

⁵ Applications no. 39954/08, *Axel Springer v. Germany*, decided on the 7th February 2012, paragraph 91.

30. The complainant in its submissions dated the 24th March 2026 held that she *“is a wholly private individual with no public role or political function. As consistently held by ECtHR jurisprudence, private individuals are entitled to enhanced level of protection of their personal data and personal dignity”*.
31. The Commissioner notes that the information published in relation to the complainant pertains to matters unconnected with any public or official function. In the absence of any indication that the complainant holds a public role or exercises functions of a public nature, the Commissioner considers that the complainant must be regarded as a private individual. Consequently, a higher level of protection is afforded to the protection of her personal data. In such circumstances, the threshold for justifying the publication is correspondingly heightened, and requires the demonstration of a substantial public interest, which as established above, is not present in the case.

The Subject of the Report

32. In respect of the subject matter of the article insofar as it concerns the complainant, the Commissioner observes that the controller focuses on the complainant's past extradition proceedings in Malta. However, as indicated by the complainant, the criminal proceedings held in Italy did not result in any criminal conviction. As stated in paragraph 26 of the decision, in the absence of any resulting criminal conviction, and having regard to the lapse of time since the extradition proceedings in Malta, the Commissioner considers that the subject matter of the report cannot be regarded as contributing to matter of substantial public interest.



The method of obtaining the information and its veracity/circumstances

33. The Commissioner notes that, while certain elements of the information published by the controller are derived from judicial proceedings relating to the complainant's extradition, the association of the complainant with mafia-related criminal remains unsubstantiated. This remains the case notwithstanding the controller's assertion that *“[w]e know that Margherita Simona Guidetti is involved because we have the digital archive of all their data in Spain. We have the capability to dump the whole data in public”*.

The content, form and consequences of the publication

34. In the submissions dated the 24th March 2026, the complainant submitted that the *“language, framing and presentation of the article, particularly the extremely serious insinuations of organised criminal involvement, have had severe consequences on my client's [the*

complainant] reputation, dignity, personal and professional life. The ECtHR has repeatedly held that where the consequences of publication are serious and its public-interest value minimal or non-existent, the individual's right to privacy must prevail".

35. The Commissioner notes that the controller reported on the complainant's extradition proceedings in Malta while omitting the outcome of the subsequent proceedings before the Italian courts, namely that no criminal convictions ensued in relation to the complainant. The contextual association of the complainant with mafia-related criminal activity, in the absence of any resulting conviction, conveys incomplete information to the readers. In such circumstances, the processing of the complainant's personal data gives rise to an unfair interference with the complainant's right to the protection of personal data.

On the basis of the foregoing considerations, the Commissioner is hereby deciding that the controller failed to demonstrate that the processing of the complainant's personal data is proportionate, necessary and justified for reasons of substantial public interest, and therefore, the processing of the complainant's personal data is unlawful.

Pursuant to article 58(2)(c) of the Regulation, the Commissioner is hereby ordering the controller to comply with the erasure request of the complainant and erase the personal data of the complainant, namely, the sentence stating that "*Margherita Simona Giudetti, who was previously extradited from Malta to Italy, is one of the individuals currently running PlayLogic IQ through Limitless Labs in Spain*", from the article, as well as from any other platforms where it may have been published, within twenty (20) days from the date of the service of this decision. The controller shall inform the Commissioner of the action taken immediately thereafter.

Failure by the controller to comply with the order of the Commissioner shall result in the imposition of an administrative fine pursuant to article 83(6) of the Regulation.


Dr Reno Borg

Information and Data Protection Commissioner

Decided today, the 22nd June 2026

Right of Appeal

The parties are hereby being informed that in terms of article 26(1) of the Data Protection Act (Chapter 586 of the Laws of Malta), any person to whom a legally binding decision of the Commissioner is addressed shall have the right to appeal to the Information and Data Protection Appeals Tribunal within twenty (20) days from the service of the said decision as provided in article 23 thereof.⁶

An appeal to the Tribunal shall be made in writing and addressed to “*The Secretary, Information and Data Protection Appeals Tribunal, 158, Merchants Street, Valletta*”.

⁶ Further information is available on the IDPC’s portal at the following hyperlink: <https://idpc.org.mt/appeals-tribunal/>