

Oggetto: Formal Request for Removal of Defamatory Article — Pre-Action Protocol / Lettera di messa in mora

Mittente: "RICCARDO GRESTA - [REDACTED]"

Data: 19/11/2025, 14:30

A: press.office@eastsussex.gov.uk, [REDACTED]@ordineavvocatiroma.org,
communications@eastsussex.gov.uk

Bilingual Pre-Action Protocol Letter

Recipient: Press.Office@eastsussex.gov.uk

Subject: Formal Request for Removal of Defamatory Article and Related Content — Pre-Action Protocol

English Version

Dear Press Office,

I am writing under the *Pre-Action Protocol for Media and Communications Claims* to formally request the removal of the online article referring to “Riccardo Gresta Eastbourne” (link: <https://news.eastsussex.gov.uk/2022/12/23/faked-letter-lands-blue-badge-applicant-in-court/>).

This request is based on the following legal grounds:

- **Article 17 GDPR (Right to Erasure / Right to be Forgotten)** — the article unlawfully continues to process and disseminate my personal data.
- **Article 16 GDPR (Right to Rectification)** — the data reported are inaccurate and manipulated.
- **Article 6 ECHR & Article 24 Italian Constitution** — fundamental right of defence and fair trial.
- **Rehabilitation of Offenders Act 1974 (UK)** — the conviction referred to in the article is considered *spent* as of **22 December 2024**, and therefore disclosure is unlawful.
- **Google Spain Case (C-131/12)** — establishes the right to request removal of outdated or irrelevant personal data from public search and publication.
- **ICO Decision of 27 January 2025** — the Information Commissioner’s Office has essentially declared itself not competent (“opted out”), confirming that the competent jurisdiction for any dispute is Italy. This decision was issued more than one month after the conviction was already *spent*, further aggravating the unlawful persistence of the article.

I must also stress that multiple previous requests have been submitted to your office and remain unanswered. This omission aggravates the unlawful persistence of the article and its defamatory impact.

Action required:

I hereby request the immediate removal of the article and all related content, including:

- any **reposts** on other sites or platforms;

- **direct or indirect links** referring to the article;
- **conditions of online permanence** that favour indexing or dissemination;
- any **sharing or republication** on social media or digital archives.

Failure to comply within **15 days** will compel me to escalate this matter through formal legal proceedings in the competent jurisdiction (Italy and EU), including but not limited to claims for defamation, data protection breaches, and violation of rehabilitation rights.

For the avoidance of doubt:

This communication is not intended to cause harm but to restore justice, protect my fundamental rights, and ensure compliance with applicable law.

Yours faithfully,

Riccardo

**Dattilografo certificato, iscritto alla Camera di Commercio.
Certificazioni in Protezione dei Dati e Privacy, Informatica Giuridica e Sicurezza Informatica.
Specialista in Bullismo e Cyberbullismo.**

Lettera di messa in mora bilingue

Gentile Ufficio Stampa,

Con la presente, ai sensi del *Pre-Action Protocol for Media and Communications Claims*, intendo formalmente richiedere la rimozione dell'articolo online che fa riferimento a "*Riccardo Gresta Eastbourne*" (link: <https://news.eastsussex.gov.uk/2022/12/23/faked-letter-lands-blue-badge-applicant-in-court/>).

La mia richiesta si fonda sui seguenti motivi giuridici:

- **Articolo 17 GDPR (Diritto alla cancellazione / Diritto all'oblio)** — l'articolo continua illecitamente a trattare e diffondere i miei dati personali.
- **Articolo 16 GDPR (Diritto di rettifica)** — i dati riportati sono inesatti e manipolati.
- **Articolo 6 CEDU e Articolo 24 Costituzione Italiana** — diritto fondamentale di difesa e di equo processo.
- **Rehabilitation of Offenders Act 1974 (UK)** — la condanna citata nell'articolo è da considerarsi *spent* dal **22 dicembre 2024**, e pertanto la sua divulgazione è illegittima.
- **Sentenza Google Spain (C-131/12)** — stabilisce il diritto alla rimozione di dati personali obsoleti o irrilevanti dai motori di ricerca e dalle pubblicazioni online.
- **Decisione ICO del 27 gennaio 2025** — l'Information Commissioner's Office ha sostanzialmente dichiarato di non voler esercitare competenza ("si è chiamato fuori"), confermando che il foro competente per ogni controversia è l'Italia. Tale decisione è stata emessa oltre un mese dopo

che la condanna era già *spent*, aggravando ulteriormente l'illegittimità della persistenza dell'articolo.

Desidero inoltre sottolineare che numerose richieste precedenti sono state inviate al vostro ufficio e sono rimaste senza risposta. Tale omissione aggrava la persistenza illecita dell'articolo e il suo impatto diffamatorio.

Azione richiesta:

Con la presente diffido formalmente l'ente a procedere con la **rimozione immediata** dell'articolo e di ogni contenuto correlato, inclusi:

- eventuali **repost** su altri siti o piattaforme;
- **link diretti o indiretti** che rimandano all'articolo;
- **condizioni di permanenza online** che ne favoriscono l'indicizzazione o la diffusione;
- ogni forma di **condivisione o ripubblicazione** sui social media o su archivi digitali.

Il mancato adempimento entro **15 giorni** mi costringerà ad adire le vie legali presso la giurisdizione competente (Italia ed Unione Europea), con azioni che includeranno, ma non si limiteranno, a denunce per diffamazione aggravata, violazioni della normativa sulla protezione dei dati (art. 167 Codice Privacy) e violazione dei diritti di riabilitazione.

Per chiarezza:

Questa comunicazione non è intesa a recare danno, bensì a ristabilire la giustizia, tutelare i miei diritti fondamentali e garantire il rispetto della normativa vigente.

Distinti saluti,

Riccardo Gresta

**Perito Dattilografo certificato, iscritto alla Camera di Commercio.
Certificazioni in Protezione dei Dati e Privacy, Informatica Giuridica e Sicurezza Informatica.
Specialista in Bullismo e Cyberbullismo.**

 **Linguistic Clause / Clausola linguistica**

This letter is issued in both English and Italian. Both language versions are equally binding. Any possible nuances of terminology shall not affect the substantive meaning of the request, which remains certain and unequivocal.

La presente lettera è redatta in lingua inglese e italiana. Entrambe le versioni linguistiche sono vincolanti. Eventuali sfumature terminologiche non incidono sul significato sostanziale della richiesta, che rimane certo e inequivocabile.

Oggetto: Individuals' right request (ref: 2 [REDACTED])

Mittente: East Sussex County Council <inforequests-icw@eastsussex.gov.uk>

Data: 23/12/2025, 19:21

A: gresta.riccardo [REDACTED]

Individuals right request

Our reference: 2 [REDACTED]

Dear Mr Gresta

Individuals' right requests

We confirm that the press release has been removed from East Sussex County Council Newsroom website and is no longer publicly accessible.

NOTE: Please do not edit the subject line when replying to this email.

Yours sincerely

Kate Richmond

Customer Services and Information Governance Officer

Communities, Economy and Transport Department

01273 482913

eastsussex.gov.uk



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Oggetto: Information request (ref: 24 [REDACTED])
Mittente: East Sussex County Council <inforequests-icw@eastsussex.gov.uk>
Data: 09/01/2026, 18:20
A: gresta.riccardo [REDACTED]

Dear Mr Gresta

Thank you for your recent message.

As per my previous confirmation on 23 December 2025, East Sussex County Council removed the relevant article from their website in December 2025 and it is no longer publicly available.

The trial and its outcome was conducted in an open court where both members of the public and the press are free to attend. The information shared in the court was publicly available for others to make notes and create their own material regarding your case.

East Sussex County Council is not responsible for any material gathered in this way and likewise would not be responsible for instructing members of the public or the press to remove the material they have published.

We suggest you contact individual organisations requesting them to remove the material they have published regarding your case. We are unable to help you further in this matter.

Yours sincerely

Kate Richmond
Customer Services and Information Governance Officer
Communities, Economy and Transport Department

01273 482913
eastsussex.gov.uk

From: gresta.riccardo@email.com
Sent: Tue Dec 23 2025 20:54:47 GMT
To: inforequests-icw@eastsussex.gov.uk
Subject: Re: Individuals' right request (ref: 2 [REDACTED])
(Attachments:) Email (original message) from gresta.riccardo [REDACTED] received on 23/12/2025.eml, Email from gresta.riccardo [REDACTED] - Re: Individuals' right request .pdf

WITHOUT PREJUDICE

Dear Ms Richmond,

I acknowledge receipt of your communication dated 23 December 2025 regarding the removal of the press release from the ESCC Newsroom.

However, I must formally note that the deadline set in my Pre-Action Protocol letter expired on **4 December 2025**. Your response was therefore received only after the expiry of that deadline, constituting a clear breach of the Protocol's timeliness requirement. The unlawful persistence of the article beyond the indicated date has aggravated both the reputational harm and the violation of my data protection rights.

Moreover, despite your statement that the press release has been removed, the articles in question remain **accessible online and indexed by search engines**, continuing to disseminate my personal data unlawfully and prolonging reputational damage. This discrepancy between your communication and the actual availability of the content further aggravates the violation of GDPR principles of accuracy, minimisation, and proportionality.

As a consequence, the matter has already been brought to the attention of the **Italian Judicial Authorities** through a formal *denuncia querela* filed with the *Procura della Repubblica presso il Tribunale di Pavia* on **12 December 2025**, prior to your communication of 23 December 2025.

This escalation was necessary due to:

- failure to comply within the deadline indicated in the Pre-Action Protocol;
- continued unlawful dissemination of personal and sensitive data;
- aggravation of reputational damage caused by the late removal and ongoing accessibility of the articles.

I reserve all rights, including the right to seek compensation for damages, and request that ESCC confirm whether steps have been taken to ensure **complete de-indexing from search engines** and removal of any residual cached versions.

Together with my legal representatives, I will continue to monitor the effective removal and de-indexing of the articles from search engines and online platforms.

However, I must inform you that the **Italian Judicial Authorities have the prerogative to prosecute ex officio** the offences already configured under **art. 595 of the Italian Penal Code**, **art. 13 of Law 47/1948**, and **art. 167 of the Italian Privacy Code in conjunction with Regulation (EU) 2016/679 (GDPR)**.

This means that the criminal proceedings are no longer under my control or discretion: once the complaint (*denuncia querela*) has been filed, the competent authorities are obliged to proceed independently. I cannot halt or withdraw such action, and the investigation will continue until the judicial authority reaches its own determination.

Yours faithfully,
Riccardo Gresta

Il 23/12/2025 19:21, East Sussex County Council ha scritto:

Individuals right request
Our reference: 2 [REDACTED]

Dear Mr Gresta

Individuals' right requests

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Yours sincerely

Kate Richmond

Customer Services and Information Governance Officer

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