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Artificial Intelligence in Public Administration under Law No. 132/2025

Statutory framework under Law no. 132/2025, internal administrative regulation, algorithmic public procurement, and the protection of digital legitimate expectations in administrative case law

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Current Legal Framework as of 29 October 2026: The entry into force of Law no. 132 of 23 September 2025 consolidates the human decision-making reserve and reshapes the boundaries between administrative self-organisation, secure algorithmic procurement, and judicial review safeguarding private parties' legitimate expectations.

ABSTRACT

This study examines the legal regime governing **artificial intelligence in public administration** in the wake of **Law no. 132 of 23 September 2025** and in the light of the latest Italian administrative case law. The investigation proceeds along three complementary axes: the systematic interpretation of Article 14 of Law no. 132/2025 and its coordination with Regulation (EU) 2024/1689, navigating the tension between the universal **human decision-making reserve** and the prohibition of regulatory gold plating; the upstream phase of public procurement of **automated technological solutions under Articles 30 and 35 of Legislative Decree no. 36/2023**, supplemented by the cybersecurity and technological sovereignty safeguards established by the Prime Ministerial Decree of 30 April 2025; and the judicial protection of private parties' **digital legitimate expectations** when confronted with algorithmic errors, contrasting mandatory administrative annulment under Article 21-*nonies* of Law no. 241/1990 with the recovery of undue payments, alongside the limits on defensive access to source code in the face of trade secrets. The inquiry demonstrates that algorithmic legality requires the full subordination of automation to the constitutional principles of transparency and administrative accountability.

Key Takeaways

- **Universal human decision-making reserve:** Article 14 of Law no. 132/2025 extends the principle of non-exclusivity and the strictly ancillary function of artificial intelligence to every administrative proceeding, going beyond the risk-based classification laid down by the European AI Act.
- **Algorithmic legality and internal rules:** Deploying automated systems requires a specific statutory basis; internal administrative regulations and operational guidelines act as instruments of organisational self-restraint whose breach vitiates the final administrative measure on grounds of misuse of power (*eccesso di potere*).
- **Public procurement and strategic security:** Article 30 of Legislative Decree no. 36/2023 mandates the availability of source code and the intelligibility of the computational model, whereas the Prime Ministerial Decree of 30 April 2025 introduces minimum cybersecurity requirements (SBOM) and award bonuses for European and allied technological supply chains.
- **Defective formulas and digital legitimate expectations:** Rectifying a flawed algorithm cannot circumvent the participatory safeguards and statutory forfeiture time-bars set out in Article 21-*nonies* of Law no. 241/1990, nor may a public authority invoke proprietary software rights or IT outsourcing to evade its burden of proof in judicial proceedings.

RESEARCH DOSSIER

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SUBJECT AREA
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Legal Principle / Editorial Headnote

In the sphere of automated administrative action, the deployment of artificial intelligence solutions performs a strictly instrumental and subsidiary role vis-à-vis authoritative public power; the public administration bears a binding duty to ensure the knowability of the underlying logical model, the human attributability of the final decision, and the ex post verifiability of every computational inference; operational shortcomings, source-code opacity, or external outsourcing cannot impair the private party's rights of defence; consequently, under the principle of proximity to the evidence, the burden rests upon the public authority to prove the regularity of the automated procedure.

01. INTRODUCTION: ALGORITHMIC LEGALITY TESTED AGAINST LAW NO. 132/2025

The integration of **artificial intelligence in public administration** marks a profound structural shift for contemporary administrative law. Moving from traditional deterministic automation, modelled upon pre-established logical sequences, to probabilistic computational models directly challenges the constitutional principle of legality. The enactment of Law no. 132 of 23 September 2025 seeks to provide a systematic statutory framework for this transition. The Italian legislature has delineated the boundaries within which emerging technologies may assist authoritative decision-making while preserving the centrality of the natural person as the sole holder of public decision-making power.

Positive statutory rules alone do not exhaust the complexity arising in administrative practice. Embedding technological innovation within bureaucratic apparatuses generates persistent friction between demands for speed and administrative efficiency, on the one hand, and safeguards protecting individual legal positions, on the other. The knowability of the

decision-making process, the transparency of logical criteria, and algorithmic non-discrimination are far from mere organisational aspirations. Rather, these standards constitute binding parameters governing the lawfulness of authoritative action, whose breach irremediably vitiates the final measure concluding the administrative sequence.

This contribution examines the multiple dimensions of algorithmic legality through a three-part analytical framework. First, it addresses internal administrative regulation and the scope of the human decision-making reserve established by the 2025 reform in relation to European Union law. Second, it investigates the upstream phase of public procurement of technological solutions and the associated cybersecurity constraints. Third, the inquiry focuses on pathologies affecting automated administrative measures, assessing the resilience of private parties' legitimate expectations and the effectiveness of judicial protection before the administrative courts.

02. THE STATUTORY FRAMEWORK OF LAW NO. 132 OF 23 SEPTEMBER 2025 AND ADMINISTRATIVE SELF-ORGANISATION

2.1 — Law No. 132/2025 Between the Human Decision-Making Reserve and the Prohibition of Gold Plating

The regulatory regime introduced by Law no. 132 of 23 September 2025 places administrative activity at the intersection of **European harmonisation** and the protection of **domestic constitutional prerogatives**. Article 1(2) and Article 3(5) of the statute expressly enshrine the **prohibition of gold plating**, barring the introduction of regulatory burdens exceeding those established by Regulation (EU) 2024/1689. That provision aims to prevent unjustified bureaucratic over-regulation. Yet the wording of Article 14 of the same statute appears to follow a partially autonomous trajectory.

The domestic rule stipulates that artificial intelligence technologies may be deployed solely in an **instrumental and supportive capacity**. It reserves exclusive ownership of **decision-making power** to natural persons. In legal scholarship, Paolo Patrito has observed that this provision establishes a **generalised human decision-making reserve**[D1]. This standard applies to every administrative proceeding, transcending the taxonomy of **risk classes** delineated by Article 6 and Annex III of the European Regulation. Whereas EU legislation imposes heightened obligations—such as **human oversight** under Article 14 and a prior **fundamental rights impact assessment** under Article 27—exclusively upon high-risk public deployers, Italian domestic law extends transparency safeguards across every operational tier.

A potential asymmetry thus emerges between supranational regulation and the structure of the **domestic legal order**. Compliance with the **human decision-making reserve** presupposes that algorithmic output may never supplant the discretionary balancing performed by the public official. As noted in an earlier commentary on the human decision-making reserve in administrative proceedings, human intervention cannot be reduced to a formalistic rubber-stamping exercise. **Decision-making accountability** remains vested by statute in the civil servant, safeguarding the constitutional principle of **impartiality of administrative action**.

2.2 — Judicial Elaboration of Algorithmic Legality and the Requirement of Human Attributability

Administrative courts have already delivered a significant early application of Article 14 of Law no. 132/2025. Reviewing the lawfulness of an automated revocation of a residence permit, the Regional Administrative Court (*TAR*) for Veneto clarified the scope of **strict algorithmic legality**[1]. The bench held that delegating authoritative power to software cannot rest upon mere **administrative self-organisation** or broad programmatic clauses. Instead, it requires a **specific primary statutory basis** at national level expressly empowering the authority to adopt an automated decision.

The principle of legality dictates that authoritative public power derives both its source and its boundaries from **primary legislation**. Automated decision-making must comply with the substantive rules governing administrative procedure. In the dispute examined by the Venice court, the digital portal had automatically revoked a work authorisation after the employer failed to reply within a mandatory time limit. However, the request for confirmation had merely been uploaded to the portal's restricted area, without any service via **certified electronic mail (*PEC*)**. The court declared the **measure ineffective** for breach of Article 21-*bis* of Law no. 241 of 7 August 1990 and the provisions of the **Digital Administration Code**.

This judicial ruling demonstrates that procedural automation cannot derogate from the statutory formalities safeguarding **citizen participation**. The complete absence of a determination attributable to a natural person vitiates the measure for **lack of power**. Failing to produce a formal administrative act in court on the ground that the portal operated automatically reflects an impermissible abdication of institutional duties. The public body must remain continuously capable of verifying, correcting, or suspending computational outcomes, in accordance with the **right to an explanation** recognised by Article 86 of Regulation (EU) 2024/1689.

2.3 — Legal Nature of Internal Administrative Regulations and Scope of Judicial Review

In the absence of binding ministerial implementing decrees, several central government ministries, regional authorities, and independent agencies have adopted internal guidelines and charters. Such instruments establish operational criteria governing the deployment of technological tools within public offices. Their legal nature warrants precise **doctrinal classification**. They do not constitute external regulations endowed with secondary normative force. Rather, they qualify as **acts of macro-organisation** and **internal policy circulars** designed to structure the exercise of bureaucratic competences.

As highlighted by Patrito's scholarly analysis, these internal charters primarily perform a function of **procedural self-restraint (*auto-vincolo*)**. By defining in advance the procedures for acquiring, testing, and supervising algorithmic models, the public entity binds itself to observe specified technical standards. Departing from the prescriptions laid down in such directives does not entail the abstract invalidity of the circular itself. Nevertheless, an unjustified departure operates as a **symptomatic figure of misuse of power (*eccesso di potere*)** vitiating the final administrative measure adopted downstream of the automated proceeding.

From the standpoint of procedural remedies, an **immediate judicial challenge against an internal regulation** is inadmissible because the instrument lacks direct, concrete injurious effect. An economic operator or citizen adversely affected by an algorithmic outcome may challenge the breach of administrative self-restraint solely by impugning the **final implementing measure**. Administrative self-organisation thus serves as a mechanism of **institutional accountability**. The internal organisational framework adopted by the office becomes the yardstick against which the administrative court assesses the **rationality and proportionality** of the exercise of public authority.

03. PUBLIC PROCUREMENT OF ARTIFICIAL INTELLIGENCE SOLUTIONS IN PUBLIC ADMINISTRATION

3.1 — Algorithmic Procurement Under Article 30 of Legislative Decree No. 36/2023 and the Distinction Between Deterministic Automation and Machine Learning

Shaping lawful technological solutions is inextricably linked to public procurement law. Article 30 of Legislative Decree no. 36 of 31 March 2023 codifies the legal regime governing automation across the **public contract lifecycle**. The provision requires contracting authorities to guarantee the **knowability and comprehensibility** of automated decision-

making processes. Public authorities must secure the **availability of the source code** as well as the capability to rectify inaccuracies in computational models promptly, thereby upholding the principle of **algorithmic non-discrimination**.

At a conceptual level, effective judicial review demands rigorous technical demarcation. The Council of State (*Consiglio di Stato*) has drawn a sharp boundary between **traditional algorithms** and advanced computational models[2]. In the reconstruction formulated by Italy's highest administrative court, a conventional automated procedure consists of a finite, deterministic sequence of instructions in which the machine executes rules predefined upstream by human beings. By contrast, systems built on **machine learning** operate on a markedly different architecture, autonomously generating new **inference criteria** by extracting statistical correlations from complex datasets.

This dichotomy carries decisive implications for the exercise of **administrative discretion**. As Stefano Colombari has observed, deploying opaque computational models appears structurally incompatible with authoritative public functions[D2]. The **duty to give reasons** enshrined in Article 3 of Law no. 241/1990 presupposes the traceability of the legal and factual grounds underpinning an administrative measure. Where the logical reasoning remains concealed inside an **algorithmic black box**, administrative discretion degenerates into computational arbitrariness. Contracting authorities must therefore impose contractual obligations ensuring full transparency regarding the decision weights and variables employed by the supplier.

3.2 — Cybersecurity, National Security, and Award Criteria Under the Prime Ministerial Decree of 30 April 2025

Acquiring automated systems also intersects with mandatory constraints of **national security** and **cyber resilience**. Implementing Article 15 of Law no. 90 of 28 June 2024, the Prime Ministerial Decree of 30 April 2025 introduced stringent rules governing ICT public procurement. That instrument regulates technologies intended to operate in environments connected to the **strategic interests of the State**. Annex 1 expressly includes artificial intelligence models, machine-learning platforms, and **advanced cryptographic components** among the critical technological categories.

Article 3 of the Decree establishes **essential cybersecurity requirements** on pain of exclusion from the tender procedure. Bidders are required to submit a detailed inventory of software components, known as the **Software Bill of Materials (SBOM)**. The contracting authority thereby obtains a comprehensive map of all code libraries and dependencies. Yet, as Manfredi Matassa has pointedly noted, the Decree's structure exhibits a notable asymmetry[D3]. Whereas technical safeguards operate as **mandatory grounds for exclusion**, geographical supply-chain origin remains merely optional.

Article 4 provides for an optional **bonus score** awarded to economic operators employing technological assets developed within the European Union, NATO member states, or third countries party to strategic bilateral agreements. Failing to classify a **trusted technological supply chain** as a mandatory admission requirement leaves the choice entirely to the discretion of each contracting authority. Such an approach risks weakening the protection of public digital infrastructure whenever tender documents omit bonus clauses. Drafting the tender rules (*lex specialis*) thus becomes a decisive safeguard for **digital sovereignty** and the operational continuity of essential public services.

Regulatory Parameter	Strategic ICT Assets (Art. 3 Prime Ministerial Decree 30/04/2025)	National Cyber Security Perimeter (Art. 4 Prime Ministerial Decree)
Legal Nature	Mandatory minimum technical requirement on pain of exclusion from the tender	Optional bonus award criterion for evaluating the technical tender
Subject Matter of Safeguard	Essential cybersecurity elements and source-code traceability via Software Bill of Materials (SBOM)	Geographical and corporate origin of software developers and computing infrastructures
Technological Scope	Artificial intelligence solutions, cryptography, cloud platforms, and operating systems	Technological supply chains located in EU Member States, NATO countries, or third states with dedicated agreements

04. DIGITAL LEGITIMATE EXPECTATIONS BETWEEN DEFECTIVE FORMULAS AND NON-DISCRETIONARY EXECUTION

The progressive replacement of civil servants with electronic platforms alters the structure of private parties' **legitimate expectations (*legittimo affidamento*)** vis-à-vis public authorities. Citizens no longer place their trust in interpersonal contact or direct procedural dialogue with the official in charge of the proceeding. Instead, reliance shifts onto the **public digital infrastructure** and the presumed accuracy of system-generated calculations. Whenever an algorithm incorporates a coding or mathematical error or yields results inconsistent with statutory premises, a complex systematic question arises: whether removing the effects of the automated output falls under the legal regime of **discretionary administrative annulment (*autotutela decisoria*)** or amounts to a **mere clerical rectification**.

The Council of State (*Consiglio di Stato*) addressed this issue in a paradigmatic dispute concerning the disbursement of feed-in tariff incentives for renewable energy[3]. In that controversy, an algorithm operated by the Energy Services Operator (*Gestore dei Servizi Energetici — GSE*) had for years paid out subsidies exceeding the statutory cap. Following a sharp surge in market energy prices, the public entity retroactively modified the formula to eliminate the excess and demanded **restitution of the sums** disbursed. The Council of State held that such intervention did not constitute an ***ex officio* annulment under Article 21-*nonies*** of Law no. 241 of 7 August 1990. Rather, the measure was classified as a technical correction of a logical calculation error. This entailed mandatory **recovery of objective undue payments (*ripetizione dell'indebito oggettivo*)** and ruled out any breach of legitimate expectations on the part of a **prudent and diligent operator**, who was deemed under a duty to verify the proper application of statutory tariff parameters.

> Automation does not absolve public administration from decision-making accountability: shifting onto private parties the burden of detecting flaws in public software turns technological asymmetry into a covert erosion of legitimate expectations.

That doctrinal construction has nonetheless drawn incisive criticism from legal scholarship. Michele Ricciardo Calderaro has challenged the downgrading of algorithmic correction to a mere material operation[D4]. Exempting algorithmic modifications from **participatory safeguards** and from the **twelve-month statutory forfeiture period** prescribed by Article 21-*nonies* sacrifices legal certainty and the stability of established legal relationships. Private citizens possess neither access to source-code instructions nor visibility over internal system logs. Expecting administered parties to detect programming defects distorts the principle of **good-faith cooperation** enshrined in Article 1(2-*bis*) of Law no. 241/1990. **Digital legitimate expectations** placed in systems of **artificial intelligence in public administration** warrant substantive and effective legal protection.

First-instance administrative case law on competitive recruitment procedures confirms that human intervention remains mandatory to safeguard **substantive legality**. The Regional Administrative Court (*TAR*) for Lombardy ruled that a public authority cannot justify its failure to award a statutory priority entitlement by invoking a **malfunction of the recruitment software**[4]. In the case decided by the Milan bench, the digital platform had failed to compute reserved-quota places accrued by a teaching candidate through prior service. The court held that defects in an application outsourced to third parties cannot prejudice candidates. The public administration retains a non-derogable obligation to verify all data prior to **approving the final ranking list**. Automation offers no exemption from **procedural accountability**, reinforcing the conclusions reached by the Venice administrative court regarding the unlawfulness of measures adopted without human inquiry.

05. DEFENSIVE ACCESS, SOURCE CODE, AND JUDICIAL REVIEW OF AUTOMATED MEASURES

5.1 — Source Code as an Electronic Administrative Document and Limits of Intellectual Property Rights

Verifying the lawfulness of automated determinations presupposes genuine knowability of the computational tools employed by the public authority. The Regional Administrative Court (*TAR*) for Lazio classified computer programs and their underlying source code as **electronic administrative documents** within the meaning of Article 22 of Law no. 241/1990[5]. The Rome bench clarified that this category encompasses internal acts functionally directed toward the performance of public duties. Disclosing mere **system log files** proves insufficient whenever affected parties are prevented from deciphering the instructions governing data processing. Barring **access to source code** would create an untenable disparity in judicial protection compared to traditional paper-based proceedings.

The Council of State (*Consiglio di Stato*) subsequently introduced a partial qualification of this principle in the field of public tendering[6]. In that dispute, a bidder excluded from an e-procurement tender challenged the refusal to disclose the source code of a privately owned e-tendering platform. The appellate court distinguished genuine **algorithmic decision-making** from an **algorithm providing mere operational support** for bid transmission. Where software merely verifies the consistency of **cryptographic hash fingerprints**, the exclusion decision remains attributable to the tender evaluation committee. Within that setting, system log files enjoy a **presumption of reliability**, which can be rebutted only by adducing specific circumstantial evidence of systemic malfunctions.

Consequently, the ruling reaffirmed the protection of the private vendor's **trade secrets** and copyright. Pursuant to Article 35(4)(b)(3) of the Public Contracts Code, proprietary platforms are exempt from disclosure absent proof of **strict defensive indispensability**. As established by administrative case law on defensive access and technical secrets, the applicant's evidentiary burden requires rigorous proof that no alternative means of defence exist. An access request cannot be turned into an **exploratory fishing expedition** into the software house's technological assets.

5.2 — Unenforceability of Outsourcing Contractual Constraints and the Principle of Non-Discrimination

Individual legal protection vis-à-vis digital public administration cannot be diluted by the contractual arrangements through which IT infrastructure is procured. The Council of State (*Consiglio di Stato*) held that **contractual constraints** between a public body and a private data-management contractor cannot be invoked against citizens[7]. In that case, the authority had refused an access request by claiming that it could not extract data from an outsourced electronic platform without paying an additional fee to the private consortium. Rejecting the administration's defence, the court ruled that ownership of authoritative public functions obliges the public entity to bear the cost and responsibility of ensuring **transparency of information flows**.

Automation functions strictly as an **ancillary module** serving authoritative action, as confirmed by the Regional Administrative Court (*TAR*) for Sicily in a dispute concerning a public works tender for water infrastructure[8]. Relying on an expert mathematical report, the runner-up bidder demonstrated a platform error in the **re-scaling (*riparametrazione*) of technical scores**. The contracting authority objected that it did not possess the intermediate calculations, having merely uploaded the commissioners' raw coefficients. Setting aside the contract award, the Catania court censured blind reliance upon a computational black box. Whenever a conflict arises between technological convenience and **constitutional guarantees**, the technological tool must yield.

The principles of knowability, comprehensibility, and algorithmic non-discrimination codified in Article 30 of Legislative Decree no. 36/2023 thus operate as non-negotiable limits upon mechanised efficiency. A public authority choosing to rely on digital platforms bears full legal responsibility for any processing distortion or inaccuracy. **Outsourcing IT functions** to specialised private vendors neither transfers administrative liability nor weakens the **constitutional right of defence** guaranteed under Article 24 of the Italian Constitution.

5.3 — Which Remedies and Rules on the Burden of Proof Govern Litigation Over Opaque Algorithms?

Litigating an **opaque algorithm** requires combining a special **access action under Article 116 of the Code of Administrative Procedure** with a party-appointed technical expert report; once specific indicia of malfunction are shown, the **burden of proof** shifts onto the public authority by virtue of proximity to the evidence, compelling disclosure of **source code and system logs** on pain of annulment of the contested measure.

Structuring an effective litigation strategy demands careful **case-law distinguishing** based on the specific type of software deployed by the public body. Unlike purely operational e-filing platforms designed solely to collect applications or apply electronic timestamps, evaluative and decision-making computational systems enjoy no irrebuttable presumption of regularity. Where an algorithmic formula determines competitive rankings or allocates public subsidies, merely producing final summary minutes fails to discharge the **duty to state reasons** for the challenged act.

The Council of State (*Consiglio di Stato*) settled the allocation of the evidentiary burden in litigation concerning a competitive examination administered by the Agency for Digital Italy (*AGID*) via an external cloud provider[9]. After a candidate formally disavowed the examination script attributed to him, the appellate panel ordered an ***ex officio* court-appointed technical verification (*verificazione*)** of both the source code and the system logs. The authority failed to produce either the program code or complete logs, pleading that the software held by its third-party vendor was no longer available. Upholding the appeal and annulling the procedure, the court applied the **principle of proximity to the evidence**. A public entity controlling the information system bears the evidentiary risk of failing to prove **procedural integrity** and cannot rely on its own omissions to the detriment of the affected individual.

Decision and Date	Subject Matter of Dispute	Holding and Legal Principle Established
Regional Administrative Court (*TAR*) Lazio, Rome, 30 June 2020, no. 7370	Access to source code of ministerial software governing written public examination	UPHELD Defensive access prevails over vendor intellectual property rights; source code qualifies as an administrative document.
Council of State (*Consiglio di Stato*), 10 April 2025, no. 4857	Access to proprietary e-tendering software to verify cryptographic hash marking of financial bid	DISMISSED Operational support software does not equate to algorithmic decision-making; technical secrets protected under Art. 35 Legislative Decree no. 36/2023.
Council of State (*Consiglio di Stato*), 5 June 2025, no. 4929	Access to agricultural subsidy records processed through an outsourced digital platform	ACCESS CONFIRMED (ADMINISTRATION APPEAL DISMISSED) Technical complexity or extra fees demanded by private platform contractors cannot be invoked against private applicants.
Regional Administrative Court (*TAR*) Sicily, Catania, 22 April 2026, no. 1157	Challenge supported by mathematical expert report proving score re-scaling error on tender platform	UPHELD Uncritical reliance upon an algorithmic black box is unlawful; technology remains subordinate to constitutional principles.
Council of State (*Consiglio di Stato*), 5 June 2026, no. 4520	Disavowal of public examination script and failure by AGID to disclose source code	UPHELD Under proximity to the evidence, failing to cooperate in producing source code entails annulment of the examination procedure.

06. CONCLUSIONS: TOWARDS AN OPEN AND ACCOUNTABLE PUBLIC ADMINISTRATION IN THE ALGORITHMIC ERA

This systematic reconstruction underscores the transformative reach of **artificial intelligence in public administration**: far from representing a mere accounting or clerical upgrade, it entails a structural redefinition of authoritative public action. By mandating a **human decision-making reserve** vested in natural persons and enshrining the indispensable **traceability of algorithmic workflows**, Law no. 132 of 23 September 2025 has enacted a clear normative choice. Managerial efficiency may never be pursued at the expense of **participatory procedural safeguards** or through the dilution of public officials' accountability. This multilevel legal framework requires public bodies to build an **informed organisational architecture** capable of governing technology rather than passively ratifying its outputs.

Ultimately, the democratic resilience of the administrative legal order rests upon the concrete ability of legal practitioners and courts to enforce **algorithmic legality** at every stage of the proceeding. From the upstream phase of software

procurement—guarded by source-code openness and strategic cybersecurity standards—to the downstream stage of **judicial review**, technology remains strictly subordinate to the **constitutional values of transparency**, impartiality, and accountability under Article 97 of the Italian Constitution. Preserving effective **defensive access** and protecting private parties' **legitimate expectations** against digital information asymmetries is the sole path enabling public administration to reconcile digital modernisation with the **protection of fundamental rights**.

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2. **Council of State (*Consiglio di Stato*), Judgment of 25 November 2021, no. 7891** — Conceptual distinction between traditional deterministic algorithms executing predefined instructions and artificial intelligence systems based on machine learning. Outcome: appeal upheld; first-instance application dismissed and cross-appeal declared moot. Para.: Law Grounds.
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6. **Council of State (*Consiglio di Stato*), Judgment of 10 April 2025, no. 4857** — Operational support software performing cryptographic hash verification does not constitute algorithmic decision-making and is exempt from source-code disclosure to protect technical secrets under Article 35 of Legislative Decree no. 36/2023. Outcome: appeal dismissed. Para.: Law Grounds.

7. **Council of State (*Consiglio di Stato*), Judgment of 5 June 2025, no. 4929** — Technical difficulties, extraction costs, or contractual restrictions stemming from outsourcing an electronic platform to private contractors cannot be invoked against an applicant exercising defensive access. Outcome: appeal dismissed. Para.: Law Grounds.

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