The interception activity carried out by intelligence agencies is subject to the check by Judicial Authorities. In particular, art. 4 of Decree – Law No. 144/05, converted into Law No. 155/05, provides that agencies may, upon prior authorization by the General Prosecutor to the Court of Appeal of Rome, perform preventive interceptions in relation to the tasks assigned to them under Law No. 124/2007. This standard expressly refers to the model for the Police Forces, under art. 226 of the implementation rules to the code of criminal procedure (in Italian, *disp. att. c.p.p.*), which provides for the possibility to intercept also in derogation from art. 614 of the criminal code (in Italian, *c.p.*), devoted to "*trespassing*"(in Italian, "violazione di domicilio"): but this is always subject to judicial authorization.

Therefore, in the light of the recent verdict by the Joint Criminal Chambers of the Supreme Court of Cassation – that places the "*trespassing*" as a limit to the use of Trojan horse (*"captatore informatico"*) for interception purposes – it is possible to use that tool, within the framework of preventive listening activities. In any case, the use of Trojans for interception purposes by intelligence agencies requires the scrutiny by the competent Judicial Authorities.

As far as the recommendations of the UN Human Rights Committee are concerned with regard to greater control over interceptions, mention has to be made, as is well known, of the recently approved Bill by the Senate, which envisages *inter alia* a reform of greater protection vis-à-vis that activity, including with regard to the use of IT surveillance tools.

Regarding data retention, the relevant standard is of a temporary nature, pending intervention at a European level, made necessary, following declaration of illegitimacy of the Frattini Directive on *"data retention* (2006/24/CE)" by the European Court of Justice.

Lastly, it is to be noted that data retention by intelligence agencies in the field of preventive interception activity is subject to the abovementioned provision (art. 226, *disp. att. c.p.p.*).