

The facts: the association Muovi Milano (from now on defendant) has developed, and put on the market with a usability of only 5 free trips, an autonomous guided shuttle service (Milano FreeRide) that has excluded certain subjects, even in several occasions; five of the latter joined the Right for gones association (from now on plaintiff), to see their claims met.

Qualification of the parties: the parties have been qualified as consumer and entrepreneur within the meaning of the Italian consumer code, this is required to define the rights and duties of the parties.

The plaintiff based his claim for compensation mainly on a product defect, on a class discrimination given by the data collected and on a lack of information, in particular as regards the refusal of the request and the exclusion of certain areas.

The first two topics were found to have no legal basis because of learning method of the machine itself, or rather by prejudicial on the part of the plaintiff.

To better explain: the choices made by the machine are not indicative of a defect for which it should result in gaps in its behavior, which obviously doesn't happen, as the carrier in question tries to protect as best as possible its own integrity and its passengers', performing its functions without demonstrating disconnections from regular activity; nor it is evincible a class discrimination, given the vastness of the territory covered by the service; but above all, given the data collected, which cannot be traced back to residence nor to any other identifying characters of the possible user of the service, such as those indicated in the declaration universal human rights of 1948, the only data that must be provided to the machine are those relating to the user ID (for calculating the number of rides) and the pick-up position of the same, which may not be the subject's address of residence or home.

With regard to the last question, namely the lack of information, by carrying out a cross-check between the European regulation (GDPR) and the Italian civil code, we have not been able to trace a need to implement better information, on the contrary, we have due to the fact that despite the absence of an explicit consent for the process of the data, the defendant may still process the same, belonging to the assisted parties of the plaintiff, due to their necessity in order to conclude the contract to be put in place.

That said, the Court found useful to suggest the defendant a better implementation of the information regard the service to avoid recurring similar or identical situations to the one being discussed.

Lastly, having carefully examined the parties' files, the Court had to agree on a total absence of any damage of any nature and in any form, it is intended; therefore, the plaintiff is not entitled to compensation of any kind.