Security Decree: the obligation for PAs to collaborate with Secret Services is removed

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The Council of Ministers has approved the Security Decree Law, transforming the previous draft law (Ddl) into an urgent measure. **A strategic and political choice**, which also introduces significant changes to the original text, including **the elimination of the obligation for Public Administrations and universities to collaborate with the Secret Services**.

This is an important shift from what was originally planned. In our article of March 19, **"Greater Powers to the Secret Services – The New Face of National Security"**, we highlighted how the Ddl represented a step forward towards a more modern, integrated national security model ready to face new hybrid, cyber, and asymmetric threats. Among the qualifying points of that proposal was precisely the obligation for public administrations to **actively cooperate with Italian intelligence**, ensuring access to data, information, and systems, according to times and methods established in coordination with the authority delegated to the services.

With the approval of the decree law, **this obligation has been removed**, and with it faded one of the most important structural reforms of the system. Article 31, which provided for mandatory collaboration between public entities and intelligence, has been deeply revised: **cooperation will remain optional and must still comply with privacy regulations**. A significant change, resulting from observations raised by the Quirinale and the State Accounting Office, which led to a more cautious rewriting of the text, purged of points considered more controversial on a constitutional level.

The impact of the choice: missed opportunity or protection of freedoms?

Depriving the Secret Services of systemic and mandatory collaboration with PAs and universities represents, according to several analysts, a step back in building a modern, efficient, and integrated intelligence. In a global context marked by geopolitical instability, digital threats, underground radicalizations, and hybrid wars, the country-system needs a **shared and timely information network**, in which civilian sectors are active participants.

The original Ddl aimed precisely at this: building **a transversal national security network**, capable of overcoming traditional separations between apparatuses. The elimination of the obligation instead leaves a regulatory void, risking to keep alive the operational “gray areas” that slow down prevention activities.

On the other hand, the reasons behind the change are not without logic. The obligation to cooperate could have **conflicted with fundamental principles such as the protection of personal data, the autonomy of university and administrative entities**, and the principle of proportionality between state powers and civil liberties. There was concern that a too binding rule could pave the way for invasive drifts.

What remains standing

Despite the downsizing of Article 31, **one of its most delicate provisions remains in force**: the strengthening of **undercover activities**. The decree indeed **authorizes infiltrated secret service agents to lead and directly manage even subversive or terrorist organizations**, expanding the intelligence's scope of action in extreme scenarios. A provision that, while allowing for more incisive maneuvers, also raises inevitable questions about

democratic control of covert operations and the **limits of operational deception**.

The other changes: what changes (and what doesn't)

The decree underwent **six corrections at the Quirinale's indication**, all considered at risk of unconstitutionality but overall **of limited scope**, such as not to overturn the original framework.

- **Secret services** – Among the most significant changes is the suppression of the obligation for universities and public administrations to share sensitive information with intelligence: a central point of Article 31 of the draft law, now transformed into a **voluntary collaboration** , still subject to privacy regulations. Another delicate provision is not touched: the one that **expands the operational powers of undercover agents**, authorizing them, in the most extreme cases, to **take command of subversive or terrorist organizations**, within the framework of secret operations.
- **Prison for mothers** – The possibility of prison remains even for convicted pregnant women or with children under one year old. The only change introduced concerns pre-trial detention, which must be carried out obligatorily in institutions with reduced custody.
- **SIM cards for migrants** – The ban on purchasing SIM cards for irregular migrants is removed: it will not be necessary to present a residence permit, but an identity document will suffice.
- **Riots in detention centers** – The new type of crime is downsized: it will apply only to acts contrary to order and security, but severe penalties remain **up to twenty years**, in case the riot results, even **unintentionally**, in injuries or death.
- **Protests against major works** – The aggravating factor remains but is reformulated: it now concerns public utility infrastructures, still affecting demonstrations like those against the Bridge over the Strait or the Tav.
- **Resistance to public official** – The rule that prohibited judges from applying mitigating factors is eliminated, thus restoring a margin of discretionary evaluation **even when the crime is committed against a member of the law enforcement**.

The political reasons behind the shift

The transformation of the Ddl into a decree law represents the result of a precise political strategy, aimed at **accelerating the approval of the security package** and avoiding the return of the text to the Chamber for a third reading.

The Prime Minister **Giorgia Meloni openly claimed** during the government session the choice to **overcome the parliamentary path**, emphasizing that the measure had been stalled for over a year. *“It is a choice for which we take responsibility, aware that we could no longer wait and that it was a priority to provide answers to citizens and ensure our men and women in uniform the protections they deserve.”*

The premier also responded to criticisms that defined the transition to the decree as a “shortcut” or even a “blitz”*: “I think it is neither of those things, but simply a choice that the government has legitimately decided to make, to respect the commitments made with citizens and with those who are called every day to defend our security”*.

Administrative autonomy and shared security

The modification on the point concerning the Secret Services reopens a central issue: **what should be the relationship between public entities and intelligence today?** In many advanced democracies, **universities and public administrations are already subject to forms of structured cooperation**, because national security is conceived as **a shared responsibility**, involving the entire state apparatus.

In the hyper-connected and vulnerable world we live in, **the threat can emerge from any area**, and every entity, even the most peripheral, can represent **a strategic sentinel or a weak point in the network**. Failing to institutionalize this collaboration risks becoming **a missed opportunity** to make Italian intelligence more modern, integrated, and capable of preventing new forms of attack in real-time.

Conclusion

The elimination of the obligation for collaboration between PAs and Secret Services **undoubtedly represents the most significant novelty** of the new Security Decree. A key provision is set aside, while undercover activities are strengthened. A political compromise that reflects a fragile balance between operational needs and constitutional guarantees.

It remains to be seen whether this renunciation will be temporary or definitive. What is certain is that **the Nation's security can no longer afford delays or operational divisions**. In an era of multidimensional challenges, **clear regulatory tools, institutional integration, and a common strategy** are needed.

We will continue to follow developments, aware that **security – like freedom – must be defended every day, even in the details of the laws**.