

Blog: Google Advisory Council event discusses the right to be forgotten

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This Thursday 16 October in London Google held their sixth out of seven events (<https://www.google.com/advisorycouncil/>) taking place in major European capitals about the now much-debated topic of “right to be forgotten”.

It will be recalled that there was a significant ruling this May by the European Court of Justice (which Cordery reported on [here](#)) where its interpretation of the EU data protection rules created a judicial right to be forgotten enabling people to ask search engines (now interpreted by the Court to be treated as data controllers) to remove links/URLs with personal information about the people in question.

The criteria for removal are that the information in question is either inaccurate, inadequate, irrelevant or excessive for the purposes of the data-processing. This in effect required Google to set up a removal system and requiring applicants to complete an [on-line form](#) to submit their requests. Needless to say, Google has consequently received a significant and varied number of requests, each of which must be treated individually entailing weighing up the individual’s right against the interest of the public in having access to that information - public interest might in particular override public figures.

Because Google faces many challenges in trying to comply with the Court’s ruling it has set up an Advisory Council constituted of people from varied walks of life including from academia to advise it on how to best give effect to the Court’s ruling. As part of the Council’s consultations it has been holding a series of open live events where various experts put forward their concerns and ideas to the Council who then debate these issues with the experts, with the end of the session devoted to questions from the audience.

Cordery attended the London event and noted in particular the following amalgamated comments and views:

- To date Google has received some 150,000 requests;
- Although 90% of requests are addressed quickly the remaining 15,000 difficult cases is still to be considered a significant number in itself;
- For the moment there is no alternative to delisting, nor can it be automated and so every request is reviewed by a person;
- The request forms need to be revised and expanded upon;
- The removal process should be more transparent;
- There should be more education to inform people about what they should and shouldn’t put out in social media;
- People should do more to protect themselves when using social media;
- The focus should be less on link-removal and instead more on web-sites taking down content;
- The private/public person is a difficult distinction to draw;

- Whilst the process involving Google also notifying publishers of removal requests is generally seen positively it is not unproblematic;
- Publishers have been republishing news items upon learning of removal requests;
- The lines between data protection, privacy, and, defamation are becoming increasingly blurred;
- Google should not have been categorised by the European Court as data controller;
- The balance should be more in favour of freedom of expression, and Google is essential for the freedom of expression;
- In order to better reflect what the issue is about, the term “right to be forgotten” should be changed, e.g to “the right to obscurity”;
- Google makes very little money from name searches;
- Generally-speaking the European Court’s ruling is perceived as unpopular - apparently the UK press opposition is 9:1 - but it has been welcomed in the highly sensitive areas of accident and crime victims and children, and, where an individual is only incidental within a news item; and,
- Implementation of the European Court’s ruling will take time.

The full event is available for viewing [here](#).

This is an issue which is set to continue to grow - as Google’s recent Transparency Report states, to date Google has evaluated 513,570 URLs for removal .

Cordery has already confronted a number of the issue mentioned above, and, been involved in initiatives like the Know the Net project which we have supported.

It must also be pointed that the right to be forgotten as a legislative right is contained with the proposed EU Data Protection Regulation which is currently before the EU Council of Ministers (which consists of all the EU Member States) - watch this space !

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