

Blog: BBC News and attempts to use the right to be forgotten to forget the past

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We've blogged before on the right to be forgotten including our original blog on the European Court of Justice Ruling in May [here](#), our report from the Google Advisory Council meeting in October [here](#) and our blog on the European Data Protection Commissioner's Guidelines in November [here](#).

The right to be forgotten is back in the news after the BBC last week published the stories it said had been effected by the right to be forgotten ruling. Neil McIntosh the Managing Editor of BBC published a list of stories that had been delisted from results for queries on some names. The BBC pointed out that the stories had not been removed from Google entirely and it's uncertain who asked for the links to the stories to be removed. The BBC has said that it will publish a new list each month.

Some of the May list makes interesting reading. The stories that have been delisted include:

- The FSA's first criminal convictions for insider trading against a solicitor and his father-in-law in 2009. The solicitor and his father-in-law had split a £48,900 profit between them after the solicitor learnt that his company was about to be purchased by Motorola. The solicitor was sentenced to 8 months in prison and lost a subsequent appeal in 2009. A second story also referred to the case in April 2010 and has also been the subject of a right to be forgotten request.
- The Joyti De-Lourey case where a PA was accused of stealing £3.3 million from a Goldman Sachs banker and her husband.
- Details of the conviction of a London based woman where she was found guilty of spiking two men's drinks with the Rohypnol date rape drug. One of the victims had met her in a 5* hotel in Park Lane whilst celebrating his birthday. He told the court how he woke up in his flat with a number of things missing. His clothes, shoes and Omega watch and a Tiffany alarm clock which were missing from his house were all subsequently found in the woman's home. In a similar incident a film director met the woman in a nightclub and woke up partially undressed to find his Rolex watch had been stolen. The police said they were particularly concerned about the crime as anyone with an allergic reaction to the drug could have died.

The release of the BBC list has also led to more than 40 comments on the BBC's blog page. It is likely to highlight again the original stories – a phenomena known in the US as the "Streisand effect". For employers or those wishing to do due diligence the fact that Google is unlikely to be an accurate record will make them look at other sources to do proper due diligence checks. The concerns we had when we wrote our original article as the judgement came out last year would still seem to hold true. It does seem that people with a chequered past are using the right to be forgotten to try and change history. Whilst the BBC are to be applauded for shining a light on this various issues remain.

The BBC and other publishers may also not have the last word on this as we understand the Information Commissioner is looking into the actions of both Google and publishers in making right to be forgotten lists public.

France

The right to be forgotten has also been in the news again in France where France's data protection authority, CNIL, made public this month its call to Google to implement the right to be forgotten on all of its domain names worldwide including www.google.com. It seems that CNIL feel that their powers are not limited to the www.google.fr domain. CNIL gave Google 15 days to comply with their order, that time has now elapsed. The potential sanctions include a fine and a publication of its sanctions. CNIL said that they may also look at prosecution under the French Penal Code.

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