

FAQ on Google's "right to be forgotten"

■ What is the Google Spain case?

The [Google Spain case](#) concerns a request from a Spanish citizen to have links with personal information related to his past withdrawn from Google's index. In its ruling last May, the **Court of Justice of the European Union did not go as far as requiring the deletion or de-indexing of information**, but it set a series of obligations on search engines to guarantee citizens' rights to data protection.

■ What is this so-called "right to be forgotten"?

The Court ruling does not create a "right to be forgotten." Rather, it is based on the right to erasure and the right to object recognised under article 12 and 14 of the [Directive 95/46](#). It is not new legislation, but a legal interpretation of EU citizens' rights encompassed under the existing framework on data protection.

■ So what does this ruling actually ask of search engines?

The Court requires that Google and other search engines dissociate the names of the complainants with certain search results, when the personal information is no longer "relevant," "up-to-date," or when it is "excessive in relation to the purpose for which it was processed and collected" as provided by Article 6 of the [Directive 95/46](#).

■ Are there exceptions?

Yes. The applicability of the right to erasure is not automatic. The ruling specifies that search results should not be altered when personal information belong to public figures such as celebrities, politicians, or others in the public eye, as there is an interest of the general public to maintain full access to this information.

■ Is this a new situation for Google?

No. Google regularly alter search results for other purposes, notably, for allegations of copyright infringement. In these cases, Google actually does go as far as de-indexing links on its search engine. For instance, in the week of October 20, 2014, Google [received](#) more than 11 million copyright removal request from alleged right holders and reporting organisations.

■ How is Google implementing the ruling?

Since the CJEU ruling in May, Google has received around [150.000 requests](#) for search result alteration. While Google's procedure to assess the requests is still a work in progress, the company's initial implementation has in some cases been unnecessarily excessive and misleading. Throughout its transparency report, for instance, there are several references to "removals" of URLs or search terms, despite the fact that no content is being removed from the search engine, search results are merely being altered, meaning that the links can still be found on the basis of a different search term. In addition to this, on name searches carried out in the EU, a banner at the bottom reads that "Some results may have been removed under data protection law in Europe," perpetuating the misunderstanding that content is being de-indexed from the search engine.

■ What steps can Google take to comply with the ruling?

Google should be transparent and accountable on the process it uses to review requests to alter search results. In particular, Google should make clear that the assessments are not automated. It should also make public what kind of authentication process is required to verify a complainant's identity and how this personal information will be stored and processed.

■ Why are civil society groups not attending the Brussels meeting?

We consider the European tour of the Google Advisory Council to be a missed opportunity to address the broad issues implicated in this case, and adequately consult the relevant privacy authorities. The Google Advisory Council and this series of conferences throughout European capitals disproportionately focused on freedom of expression, a decision that led to insufficient discussion of the central challenges of this ruling such as the role of intermediaries like Google play in the treatment of online content. In addition, the format of the meetings have not suggested that there would be meaningful dialogue between participants and featured very limited exchange on privacy and data protection, the core issues of the ruling.

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