



Written by [Warren Mass](#) on September 24, 2019

EU Court Rules in Google's Favor in "Right to Be Forgotten" Case

The Court of Justice of the European Union (ECJ) — the judicial branch of the European Union— ruled on September 24 that the so-called right to be forgotten law, which took effect in Europe in 2014, only applies in the bloc's 28 member states — and not globally. The ECJ's statement read: "The Court concludes that, currently, there is no obligation under EU law, for a search engine operator who grants a request for de-referencing made by a data subject, as the case may be ... to carry out such a de-referencing on all the versions of its search engine."



The issue in dispute — the "right-to-be-forgotten" — was seen by some as being at odds with the right to free speech. The legal conflict harkens back to a dispute between Google and France's privacy watchdog, CNIL, an independent French administrative regulatory body tasked with ensuring that data privacy law is applied to the collection, storage, and use of personal data. In 2015, CNIL told Google to remove sensitive information from Internet search results globally when asked to do so in accordance with its "right to be forgotten" law.

After Google challenged the ruling, the French court turned to the European Court of Justice for guidance.

In a September 23 article, Simon Taylor, the Brussels correspondent for Law.com International, noted that back in January, Google welcomed the news that EU advocate general Maciej Szpunar had issued an advisory opinion to the EU Court, saying the right to be forgotten should only be enforced in Europe and not globally. Szpunar recommended that the court "should limit the scope of the de-referencing that search engine operators are required to carry out, to the EU."

Taylor observed that this legal dispute has broad implications for the fate of the Internet during a time when the world is increasingly concerned with privacy protections. "It creates a huge clash between the irresistible force of EU data protection law and the immovable rock of U.S. freedom of speech," the article said, quoting Peter Church, a privacy expert at Linklaters in London.

In a summary of the issues, the Law.com article noted that at the present time, Google in Europe is required to remove all links that appear in its global search results if individuals ask them to be deleted under EU data protection rules. Since the "right to be forgotten" law took effect in Europe in 2014, Google has removed 45 percent of the 3.3 million links it has been requested to remove after receiving 845,501 such requests in the last five years.

However, until today, it hadn't been determined whether the right to be forgotten applied only in the EU or was a global right. Today's ruling answers that question.



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However, the ECJ still flexed its muscles a bit by stating that a search engine operator must put measures in place to discourage Internet users from going outside the EU to find that information. Exactly what this means from a practical standpoint is not yet known.

Image: [The Pancake of Heaven! / Wikimedia Commons](#)

Warren Mass has served The New American since its launch in 1985 in several capacities, including marketing, editing, and writing. Since retiring from the staff several years ago, he has been a regular contributor to the magazine. Warren writes from Texas and can be reached at wmass@thenewamerican.com.



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