

Opinion: We need a 'right to be forgotten' online

edition.cnn.com/2014/05/14/opinion/randazza-google-right-to-privacy/index.html

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May 14, 2014

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Will privacy ruling change the Internet?

05:23 - Source: [CNN](#)

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CNN —

The European High Court ruled that a person has a "[right to be forgotten](#)." In response, some think that the sky is falling. I say the opposite.



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Mario Gonzalez, a Spanish citizen, was displeased that any Google search for his name turned up a 16-year-old report on a real estate auction connected with some old debts. Gonzalez believed that this was out-of-date and irrelevant information with respect to him today. The European High Court agreed and ruled that the EU's right to privacy guarantees include a "right to be forgotten."

The court ordered Google to remove links to archived newspaper pages that contained the old information after Gonzalez sued Google and the newspaper in 2010.

The European Court ruled that a European's right to privacy includes the right to say, "This is really old information, and it no longer reflects who I am."

The court held that someone's right to privacy overrides Google's economic interest and even the public's right to old and irrelevant information.

We should be jealous of our friends in Europe. As Europe protects individual rights, America persists in its belief that rights are for big corporations, people be damned.

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Until recently, humans had comfort in knowing that mistakes were rarely forever. But the Internet has brought us a "mistakes are forever" society.



Now, even a financial hiccup 16 years ago remained as prominent for Gonzalez, as if it happened yesterday. Now, a revenge porn picture will remain on a victim's Google results forever, victimizing the subject every day. Even deserved criticism, like an old criminal record, will remain forever – as if it happened yesterday. Time is no longer linear for us.



Is this how we want to live? Should we not have a right to be forgotten? During the Cold War, we despised totalitarian regimes that kept a dossier on every citizen, holding compromising information in store for the day that it served to discredit him or her. I remember learning that the FBI kept files on dissidents in the '60s and '70s. I remember learning a few months ago, thanks to Edward Snowden, that the NSA is spying on us. Nobody thinks that is a good thing.

Big Data's reaction, like anything that reins in companies' rights to abuse us, was a shriek of little substance. Google doesn't like being told what to do, and critics raised an outcry about First Amendment rights.

Google could have instituted a responsible policy like this on its own. But Google's position is like that of a petulant child: "You're not the boss of me!" And that is why we can't have nice things.

Well, isn't there a little bad in this ruling?

Theoretically, yes. This could be abused to get rid of important truthful information. That is a bad thing, and I would find that intolerable if someone tried to abuse it to suppress legitimate criticism or information that the public has a right to know.

But the ruling does not say that old information must be deleted. It doesn't even say that Google has to comply with requests. It just says that if a European requests that information come down, Google must respect the request but can refuse if it has good cause.

And that good cause is where free expression and freedom of information remains intact. One critic asked whether ex-Nazis could use this ruling to hide their participation in the Holocaust. The answer to that is a resounding no.

The ruling ends with an admonishment. The "right to be forgotten" does not apply if it appears for "particular reasons": if there is good cause to interfere with the citizen's right to privacy, including "the role played by the data subject in public life," and if a majority of the evidence shows that the general public has a right to that information.

Sorry, old Nazis, you can't use this to hide your involvement in the Holocaust. In fact, public figures and public events will never be erased.

This ruling is for you, the average Jose who just wants to live an obscure and private life. If you lived in Europe, you would have regained that right today.

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