



1. Google wins landmark right to be forgotten case

- What was the case all about?
- What is the right to be forgotten in both Indian and European context?
- Is Right to privacy same as Right to be forgotten?
- Are there any instances that our judiciary upholding the right of an individual to be forgotten?

GS paper 2 (Indian Polity, Fundamental rights.)

In this video, you can find detailed answers for all the above questions.



Date: 26 September, 2019



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The above article has been retrieved from:

Leo Kelion. (2019, September , 25). Google wins landmark right to be forgotten case. BBC. Retrieved from <https://www.bbc.com/news/technology-49808208>



What is the context about?



The EU's top court has ruled that Google does not have to apply the right to be forgotten globally. It means the firm only needs to remove links from its search results in Europe - and not elsewhere - after receiving an appropriate request.

What was the case about?



The ruling goes back to a dispute between Google and a French privacy regulator. In 2015, CNIL ordered the firm to globally remove search result listings to pages containing damaging or false information about a person.



The court in its judgment limited the reach of the online privacy law known as 'right to be forgotten', restricting people's ability to control what information is available about them on the internet. It stated that the balance between privacy and free speech must be taken into account while deciding if websites should be delisted over the internet.



What is the right to be forgotten in European context?



Also known as the "right to erasure", the rule gives EU citizens the power to demand data about them be deleted.



In the case of search engines, Europeans have had the right to request links to pages containing sensitive personal information about them be removed since 2014.



But the General Data Protection Regulation (GDPR) which came into force in 2018, added further obligations. Members of the public can make a request to any organisation "verbally or in writing" and the recipient has one month to respond.

Google had argued that the obligation could be abused by authoritarian governments trying to cover up human rights abuses were it to be applied outside of Europe.



What is Right to be Forgotten in Indian Context?



Legislative Stand: In India, there are no legal provisions related to it. Neither the Information Technology (IT) Act 2000 (amended in 2008) nor the IT Rules, 2011 deals with the right to be forgotten.



Only Section 27 of the draft Data Protection bill has listed out three scenarios in which an individual will have the right to restrict or prevent continuing disclosure of personal data, also known as the right to be forgotten.



This will be applicable if data disclosure is no longer necessary, or the consent to use data has been withdrawn, or if data is being used contrary to the provisions of the law.

Are there any instances that our judiciary upholding the right of an individual to be forgotten?

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There have been instances, where the High courts have upheld the right of an individual to be forgotten.



For instance, the Karnataka High Court upheld a woman's right to be forgotten stating that the right is in line with the trend in the western countries. In the sensitive cases involving women in general and highly sensitive cases involving rape or affecting the modesty and reputation of the person concerned, it must be adhered to.



The Delhi High Court, in another case had asked from the Centre and Google whether the right to privacy included the right to delink from the Internet the irrelevant information.



Is Right to privacy same as Right to be forgotten?



The right to be forgotten is distinct from the right to privacy because the right to privacy comprises of the information that is not publicly known, whereas the right to be forgotten involves removing information that was publicly known at a certain time and not allowing third parties to access the information.