

Highest EU court to rule on Google 'right to be forgotten' case

September 24 2019, by Catherine Kurzawa



The EU's top court is to decide whether Google needs to apply the 'right to be forgotten' ruling to all its search websites worldwide—or just to Europe

Europe's top court will on Tuesday rule whether US search giant Google must apply worldwide a ruling that it comply with requests to remove

online links, or whether the "de-referencing" should be limited to just EU domains.

The landmark case, stemming from a legal battle waged by France to impose a "right to be forgotten" on the web, will potentially give the EU unprecedented powers to regulate the internet beyond its borders.

That could deepen a rift between Europe and the United States, which is home to most of the internet's behemoths and whose President Donald Trump has railed against what he sees as EU meddling in US business.

The expectation is that judges from the European Court of Justice will decide in favour of Google on how to abide by a 2014 ruling by the same [court](#) which granted the right for individuals, under certain conditions, to have references to them removed from [search engine results](#).

That is because the court's top legal advisor, advocate general Maciej Szpunar, in January said he was "not in favour of giving the provisions of EU law such a broad interpretation" that they apply outside EU member states.

He recommended that the court "should limit the scope of the de-referencing that search engine operators are required to carry out, to the EU".

That would mean the "right to be forgotten" would be seen only on European versions of the Google search page—google.fr or google.de, say—but not on [google](#).com or other domains outside the EU.

But that opinion is non-binding. And while ECJ judges usually follow the advocate general's line, they sometimes take a different view.

Setting rules on the internet

Europe has also already emerged as a rule-setter in terms of data protection on the internet. A General Data Protection Regulation it enacted in 2016 that covers all EU citizens and residents has forced sites and companies around the globe to comply with its measures.

Google has reluctantly agreed to comply with the "right to be forgotten" ruling, but is fiercely opposed to it being applied everywhere outside the EU.

It and other stakeholders have warned that authoritarian countries outside Europe could abuse delisting requests to cover up rights violations.

But France's data regulator, the Commission Nationale de l'Informatique et des Libertes (CNIL), argues that, for the delisting to be effective, it must apply to all domains wherever they are.

In 2016, CNIL fined Google 100,000 euros (\$110,000) for non-compliance and Google appealed to France's highest court, which in turn has referred to the ECJ for an opinion.

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Citation: Highest EU court to rule on Google 'right to be forgotten' case (2019, September 24) retrieved 9 April 2024 from

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