

EU Court Orders Google to Remove Old Search Results

Google, as well as other search engines operating in the European Union, must delete old search results when requested by an individual under the right to be forgotten doctrine, the European Union's highest court ruled.

The European Court of Justice granted a request by a Spanish citizen that Google erase from its search results connected to his name links to a Spanish newspaper story printed in 1998 regarding a real-estate auction for recovery of his social security debts. However, the court said the newspaper could leave the information up on its website. The court based its decision on European Union law and directives.

The court found it had jurisdiction over Google because the company operated a subsidiary, Google Spain, which sold ads that appeared with the search results in the EU.

The EU directives on data processing systems include search engines, the court held. The EU directives also include privacy as a fundamental right.

The court said the issue before it was “what obligations are owed by operators of search engines to protect personal data of persons concerned who do not wish that certain information, which is published on third parties’ websites . . . be located, indexed and made available to internet users indefinitely.” The court noted that the right to protect an individual’s data “is heightened on account of the important role played by the internet and search engines in modern society, which render the information contained in such a list of results ubiquitous.” The court found that “in the course of time” even linking to accurate data “becomes incompatible with the directive.” Thus, the right of privacy directives “override, as a rule, not only the economic interest of the operator of the search engine but also the interest of the general public in finding that information upon a search relating to the data subject’s name.”

However, the court recognized that in certain circumstances, “such as the role played by the data subject in public life,” there may be a “preponderant interest of the general public in having . . . access to such information,” which, therefore would allow a search engine to continue to show the results. The court did not specifically define what may constitute such circumstances.

In the case before it, the court found Google must remove all links to the information as requested by the individual.

Google Spain SL v Agencia Espanola de Proteccion de Datos and Mario Conzalez, Case No. C-131/12, issued May 13, 2014.