Decision

Diarienr

2020-03-10

DI-2018-9274

Google LLC

Amphitheater Parkway, Mountain

View, CA 94043

United States

Supervision according to the EU Data Protection Regulation

2016/679 - Google's handling of requests

on removal from its search services

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The Data Inspectorate's decision

1. The Data Inspectorate finds that Google LLC (Google) has not taken

measures so that a certain search result in complaint 2 in the Data Inspectorate's earlier

supervisory decision with record number 1013-2015 is not displayed for searches on

the complainant's name using Google's search services that can be made from

Sweden during the period May 25, 2018 to October 12, 2018. Google has

through this processed personal data in violation of

Article 9 of the Data Protection Regulation1 by dealing with sensitive

personal data consisting of data on ethnicity, religious

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016

on the protection of individuals with regard to the processing of personal data and on that

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conviction, mental health and sexual life, without having for treatment

a valid exemption from the ban on treating sensitive

personal data.

Article 10 of the Data Protection Regulation by considering

personal data relating to offenses consisting of data on

prosecution and preliminary investigation without the treatment being allowed.

Article 17 of the Data Protection Regulation by not unnecessarily

have delayed the complainant's request for removal.

2. The Data Inspectorate finds that Google has not taken any action so that

a certain search result in complaint 8 in the Data Inspectorate's previous supervisory decision with

registration number 1013-2015 is not displayed for searches on the complainant's name with

using Google's search services that can be made from Sweden during the period

May 25, 2018 to June 11, 2018. Google has dealt with this

personal data in violation of

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Article 10 of the Data Protection Regulation by considering

personal data relating to offenses consisting of data on

allegations of crime and preliminary investigation without processing

been allowed.

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Article 17 of the Data Protection Regulation by not unnecessarily

have delayed the complainant's request for removal.

3. The Data Inspectorate finds that Google since May 25, 2018

regularly informs webmasters of websites when the company has taken

deleted a URL as a result of a removal request. Google

hereby processes personal data in violation of

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Article 5 (1) (b) of the Data Protection Regulation by making the procedure a

personal data processing that is incompatible with the original

purpose for which the data were collected.

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Article 6 of the Data Protection Regulation by not having a legal

basis for the treatment.

4. The Data Inspectorate states that Google since 25 May 2018 in its

Web forms for removal requests inform individuals about and

requires them to agree that Google may inform them

free flow of such data and repealing Directive 95/46 / EC (General

Data Protection Regulation).

webmasters for such URLs that are removed from the search results to

as a result of individual requests. Google deals with this

personal data in violation of

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Article 5 (1) (a) in that the procedure is likely to persuade individuals to:

refrain from exercising its right to request removal.

5. The Data Inspectorate decides on the basis of ch. Section 3 of the Data Protection Act2 and

Articles 58 (2) and 83 of the Data Protection Regulation require Google to pay a

administrative penalty fee of SEK 75,000,000 (seventy-five million).

6. The Data Inspectorate submits pursuant to Article 58 (2) (d) i

Google's Data Protection Regulation that, as far as removal requests are concerned

of displaying search results in searches on individuals' names using

Google search services that can be done from Sweden,

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stop informing webmasters of URLs when Google

has granted a request except in cases where the individual himself has requested

the.

cease to display the text “If URLs are removed from our

search results as a result of your request, we can provide information to them

webmasters for the deleted URLs ”in their web form

for request for removal or provide similar information to

individuals if it is not clear that webmasters are only informed about

that a request has been granted if the individual has requested it.

1 Report on the supervisory matter

1.1 General

In May 2015, the Swedish Data Inspectorate started with the support of the Personal Data Act

(1998: 204) and the Data Protection Directive3 a supervisory case with a record number

1013-2015 (the former case) against Google Inc. whose legal successor is

Google LLC (Google or Company). The review was about how Google handles it

requests from natural persons that certain search results should not be displayed at

The Act (2018: 218) with supplementary provisions to the EU Data Protection Regulation.

Directive 95/46 / EC of the European Parliament and of the Council of 24 October 1995 on the protection of

individuals with regard to the processing of personal data and on the free flow of

such information.

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searches on their name on the company's search services (removal request).

The review took place in the light of the ruling that stated that individuals are right

to be granted in certain cases a request for removal4 and

the data protection authorities' guidelines for the interpretation of the judgment (WP225 guidelines) 5 and this right (right of removal).

In addition to Google's handling of removal requests in general included in

The review also includes 13 complaints received by the Swedish Data Inspectorate from

individuals who believed that the company had incorrectly rejected their respective request

on removal. The review was terminated by decision of 2 May 2017

(the previous decision). In the decision, the Data Inspectorate presented Google with the latest

take action on 2 August 2017 regarding five of the complaints (Nos. 2, 4, 5, 8)

and 9) in such a way that the specified search results are not displayed during searches on

the names of the complainants.6 The Data Inspectorate also made recommendations

on how such requests should be handled. Google appealed the injunction

regarding complaint no. 8. The appeal was rejected on 2 May 2018 in this part

and entered into force on 24 May 2018.7

On 25 May 2018, the Data Protection Ordinance began to be applied.

Based on tips from the public that Google had not followed the decision

and the judgment, the Data Inspectorate stated during an inspection on 8 June 2018 that

search results from complaints 2 and 8 were still displayed. Against this background

this supervisory matter was initiated.

Judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12.

Article 29 Working Party on Data Protection, “Guidelines on the Enforcement of Judgments

[Google Spain and Google] ”of 26 November 2014 (WP 225). The working group has in and

with the entry into force of the Data Protection Regulation replaced by the European Data Protection Board

(EDPB) (see Articles 68 and 94 (2) of the Data Protection Regulation).

6 The decision in its wording following the decision on reconsideration of 14 July 2017. References to

the decision in the following refers to the decision in this wording.

7 The Administrative Court in Stockholm's judgment of 2 May 2018 in case no. 16590-17.

The Data Inspectorate appealed the Administrative Court's ruling in the part in which it went

The Data Inspectorate received, ie. repeal of the injunction 'in the part intended to remove

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search results that can be displayed when searching on the registrant's name using Google

LLC's search services that can be done from countries other than Sweden ". The Court of Appeal decided

on 3 December 2018 in case no. 4635-18 not to grant leave to appeal, which was established

by the decision of the Supreme Administrative Court on 11 September 2019 in case no. 6887-18.

Supervision has taken place through correspondence. The review is about how Google is doing

handled the complainants' requests and the Data Inspectorate's injunctions

concerning complaints 2 and 8 in the previous decision. Against the background of what

has emerged, the Data Inspectorate has also followed up on certain issues as well

highlighted in the recommendations of the decision. This refers to how Google investigates

removal requests as well as Google's routine to provide regular information

webmasters for relevant URLs once a request has been granted and

Google's information to individuals about this in Google's web form for

request for removal.

1.2 The content of previous decisions as far as is now relevant

1.2.1 Order concerning complaints 2 and 8

In the previous decision, the Data Inspectorate stated that Google "processes

personal data in violation of section 5 a, second paragraph of the Personal Data Act on display

of search results after searching for the complainant's name in Google's search services regarding

the search results referred to in

Complaint 2 (Google No. 0-5877000003906)

[…] [And]

complaint 8 (Google no. 1-8544000003955), the search hit that links to one

article on the website www.sydsvenskan.se. ”

The Data Inspectorate instructed Google to “take action so that the above

the search results are not displayed when searching on the complainant's name using

Google search services that can be done from Sweden "and stated that" [the] measures

must be completed by 2 August 2017. "

The Data Inspectorate stated in the reasons for the previous decision regarding complaints

2 that the public interest in having access to the information on the appellant in

the current discussion thread via search in Google search services does not

justifies the breaches of privacy that the treatment entails. This against

given that the current discussion thread is extensive

survey of the complainant and reports fairly extensively and at most

private information about the complainant's ethnicity, religious beliefs, mental

health, sexual preferences, offenses (information on charges and

preliminary investigation), family and address. Google was thus ordered to cease

with the treatment. The company did not appeal the decision.

The Data Inspectorate stated in the reasons for the previous decision regarding complaints

8 that the Data Inspectorate limited its review to the search result that leads

to an article published on Sydsvenskan's website with information about crime
which the complainant is alleged to have committed (information on allegations of crime and
ongoing preliminary investigation). The Data Inspectorate judged that such information
may be considered particularly privacy sensitive and instructed Google to cease
the treatment. The company appealed the decision to the administrative court as in the judgment
of 2 May 2018 agreed with the Data Inspectorate's assessment and confirmed
the decision.8

1.2.2 Obligation to investigate the circumstances of a request

In the previous decision, the Data Inspectorate mainly stated the following (see
pp. 11–14). There are no formal requirements for a request for rectification under
the Data Protection Directive or the Personal Data Act. When it comes to handling
a request may, even if the provision in section 28 of the Personal Data Act is not
directly applicable in this case, the preparatory work for that provision serve as
guidance. According to these, it is sufficient that it appears from a request that
the data subject is dissatisfied with the processing in any particular respect and
wants correction to be taken. If such a request is made, it should
personal data controllers urgently investigate the allegations
the remarks are justified and, if so, make corrections as soon as possible.
The scope of the investigation may depend on the remarks made by it
registered have produced. It should primarily be the individual's responsibility to state
sufficient information to enable Google to process his request.
Information about which search hit is meant by a request should preferably be made
is identified by entering the URL of the web page being searched
links to. In cases where the individual refers to the name of a website, a
blog or similar and it is possible to identify the website and it
information on the website in question, it should be the responsibility of Google to take action

to identify the search result to which the request relates. The same goes for it

individual has mistaken the top level domain in the web address for example .se i

instead of .com and it appears from, among other things, the search result which search result

to which the individual refers. About Google, despite investigative measures taken,

considers that it is not possible to identify the search hit as the individual

has requested that Google remove or if Google does not accept the individual

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The Administrative Court in Stockholm's judgment of 2 May 2018 in case no. 16590-17, p. 12 para. 2.

facts of the case, the individual should be informed of this and given

opportunity to complete their tasks.

Against this background, the Data Inspectorate recommended that Google take action

necessary measures to investigate a vague and incomplete request to:

search results should be deleted.

1.2.3 Communication to webmasters that removal has taken place

In the previous decision, the Data Inspectorate mainly stated the following (p.

19-20). When Google deletes a search result, the company sends another message

the webmaster whose web page is affected if he or she has signed up

Google's Webmaster Tools service. In the complaints examined occur

usually only one or a few names of the web pages that the search hits

links to. It should therefore be relatively easy for the webmaster to

determine who has requested removal. Google must therefore assume that

information about which web pages are affected by a deletion indirectly

involves a personal data processing.

Against this background, the Data Inspectorate recommended that Google only send information to webmasters when it is clear that such information does not infringe on the privacy of data subjects.

2 Grounds for the decision

2.1 Starting points for the assessment of follow-up complaints

A search engine provider must, within the framework of its responsibilities, its qualifications and their possibilities to ensure that the processing of personal data in the business meets the requirements of the data protection rules, since the business can significantly affect fundamental rights regarding privacy and the protection of personal data of the persons concerned.9

The specifics of a search engine's business10 do not exclude it prohibitions and restrictions on the processing of sensitive data and

Judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12, paragraph 38 and 83.

10 Judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12, paragraph 41.

criminal information, but these apply when the search engine has received a request on removal.11

The Data Inspectorate states that if a personal data controller has taken receive a request for removal from a data subject, but does not remove the information without undue delay or rejects the request on incorrect grounds; the further processing takes place in violation of the Data Protection Regulation. When it is the question of search engine services does this require prompt handling

particularly relevant as the dissemination of personal data risks becoming very extensive and an alternative attitude would erode the individual opportunities to exercise their rights and the protection of the personal integrity.

The Data Inspectorate has already in the previous decision assessed the outcome of the balance in complaints 2 and 8 and then found that the treatment took place in violation with the Personal Data Act and the Data Protection Directive. Current legislation (Data Protection Regulation) and the practices that have been added do not there is reason to make a new assessment in this regard.

During previous inspections, the Data Inspectorate has found deficiencies in the handling of complaints 2 and 8. Deficiencies have existed since the Data Inspectorate's decision won legal force in each part, or when measures were to be implemented at the latest, which was before the Data Protection Ordinance came into force on 25 May 2018.

The regulation entails enhanced rights for individuals and provides The Data Inspectorate significantly more powerful powers. Starting point for the Data Inspectorate's assessment regarding continued violations is taken therefore on the date of implementation of the Regulation, ie 25 May 2018.

2.2 Follow-up of complaints 2

2.2.1 What has emerged during the proceedings

The Data Inspectorate found during a control search on 8 June 2018 of complaint 2 that the search result specified in the decision ”is displayed as the first search result in the search result in a search performed on October 10, 2016 ”(search result 2) was still displayed at search on the complainant's name and therefore requested that Google comment.

Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17, paragraphs 43-47.

Google stated in a response on June 15, 2018 that the company regarding complaint 2 per on 18 May 2017 had fixed a specific web address (search result 1).

The Data Inspectorate stated in a letter dated 9 July 2018 to Google in essentially the following. The documents in the previous case show that it search result described in the reasons for the previous decision was search result 2. The URLs in search results 1 and 2 are identical except that the latter has two extra character at the end ("p2") which is an abbreviation for "page two" in one discussion thread on a forum. The URL in search result 1 identifies both the whole discussion thread and its first page. The Data Inspectorate pointed out that there may be reason to consider a request identifying one URL, which thus both identifies the entire discussion thread and constitutes its first page, not only includes search results leading to the first page but also to subsequent pages, such as search hit 2. This is especially true if individuals provide information that points in this direction, such as the complainant can be considered to have done by in addition to what is stated in the form clarifies that "the whole thread specified" violates the complainant's privacy (the original request) .12 If Google nevertheless did not consider itself obliged to remedy search result 2, the Data Inspectorate reminded of the company duty of investigation and information in the event of an unclear or incomplete request.

Google stated the following in its response on 30 August 2018 to the Swedish Data Inspectorate request to state whether action would be taken in relation to search hit 2 and how similar situations are handled. Google took action regarding two

other pages in the current thread in 2014 and another page in August 2018

in connection with the Data Inspectorate's request. Google will not take

action concerning search hit 2, as the appellant did not specifically request it. One

such request "is a personal right" which "can only be exercised by it

registered "and Google" therefore respects the extent to which it

registrants have given their request '. According to Google, this is supported by the WP225 guidelines, which state that data

subjects must “identify the specific

the URLs ”.13 The obligation to investigate or inform has not arisen.

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The previous case, file appendix 1 appendix 2 p. 2.

WP225 guidelines, p. 14 (Translation by the Swedish Data Inspectorate).

The complainant contacted the Data Inspectorate on 9 October 2018 regarding

search hit 2 and then received information about the company's attitude and opportunity

to make a new request in addition to the current examination of it

original request, which the complainant made on 12 October 2018 (the new one)

request).

Google stated the following in its response on October 25, 2018 to the Swedish Data Inspectorate

request to state its assessment of the new request. Google

remedied application meeting 2 on 12 October 2018 due to the appellant

made the new request. Google deleted the search result because the content on

the web page is basically the same as on the web pages that have been taken before

away and especially when the website does not contain information about the complainant

has been released.

2.2.2 The Data Inspectorate's assessment

The Data Inspectorate notes that the original request in complaint 2

included search hit 2. This is because the appellant in a sufficient manner

identified it by entering the URL that both identifies

the entire discussion thread and its first page (search result 1) in the web form, partly

refer to the whole thread in its supplement.

In addition, a discussion thread must be judged as a whole and can not

as Google has done solely is judged on the basis of the information provided

appears on the page that a search result links to. As the Svea Court of Appeal

established, this follows from the fact that for an Internet user linked to one

page in a discussion thread it is obvious that it does not only include posts

on that page and that it is not possible based on the posts on just one page

overview the content of the discussion.14

Because Google has not processed the request, but the search hit continued

has been shown until 12 October 2018, when the complainant made a new request

on removal, Google has not addressed the request without undue delay in

the meaning of Article 17 (1) of the Data Protection Regulation. Google has

processed personal data in breach of Article 17 of

the Data Protection Regulation.

Svea Court of Appeal's judgment of 6 October 2017 in case no. FT 494-17, p. 4 with agreement in

the assessment of the lower instance (p. 16 f.).

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As stated in the previous decision is processed at the web address provided

the search results lead to sensitive personal data and criminal data about

the appellant within the meaning of Articles 9 and 10 of

the Data Protection Regulation. During the current period, ie the 25th

May to October 12, 2018, Google is responsible for the referral to

the URL and in particular because the link appears in the search results as

presented to Internet users searching for the complainant's name.15 Something

support for processing such data under the Data Protection Regulation

not existed. Google has thus processed personal data in violation of

Articles 9 and 10 of the Data Protection Regulation.

Furthermore, the Data Inspectorate states that the injunction in the previous decision

regarding complaint 2 included search hit 2. What Google has stated about that

the injunction must be interpreted in the light of the reasons for the decision does not change it

assessment. It is not clear from the wording of the decision that the injunction

was limited to certain search results in complaint 2, which it did, however

for example, complaints 8 and 9 (see section 1.2.1 above). It is further stated by

the reasons for the decision that search result 2 was the search result that was displayed when

the search result was checked during the processing and thus what

The Data Inspectorate assessed in the decision.16 Google could easily have detected

this by checking the scope of the request and the search results provided

was shown when the company took measures to comply with the injunction in May 2017.

Because Google took action on search hit 2 only on October 12th

2018, ie after the date specified in the injunction in the previous

decision, Google has failed to comply with an injunction that

The Data Inspectorate announced on the basis of section 45 of the Personal Data Act and

the Data Protection Directive.

2.3 Follow-up of complaints 8

2.3.1 What has emerged during the proceedings

During a control search on 8 June 2018, the Data Inspectorate found that the search match

from complaint no. 8 (search result 1) was still shown. The Data Inspectorate

pointed this out in a letter to Google and referred to the Administrative Court

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Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17, paragraph 46.

See previous decision, p. 23.

judgment of 2 May 2018 which upheld the injunction. It was further pointed out that

According to the court, the verdict had been notified to Google on the same day as it

was announced and thus gained legal force on 24 May 2018.

Google contacted the Data Inspectorate on 11 June 2018. Google then stated that

the company was not notified of the judgment until 23 may 2018 and that it would therefore win

entered into force on 14 June 2018 and that Google was still considering the ruling

would be appealed. The Data Inspectorate then clarified that the Data Inspectorate had

checked specifically with the administrative court that the task of the court

provided on the day of service was not a misunderstanding, but reminded Google

on the possibility of obtaining judicial review of whether the judgment has become final.17

Google stated in a letter dated June 15, 2018 that the company on June 11, 2018

decided not to appeal the judgment and therefore that day had remedied

application date 1. In support of the fact that service must have taken place on 23 May 2018

Google submits a service receipt signed and dated by the company

agent.

In addition, correspondence has taken place regarding a search match with identical content

and leading to the same article as search hit 1 on the same site but

with a different URL (search result 2). According to Google, there was that search hit

not when the request to delete search hit 1 was made. Google has, however

granted a request for removal of search hit 2 on February 13, 2019 after that

a new request was received from the complainant on February 11, 2019. Google considered that

that request could be granted without the need for a new balance of interests

done because the content of the web page was identical to the web page for

search result 1.

2.3.2 The Data Inspectorate's assessment

The Data Inspectorate finds that Google has not processed the request in

complaint 8 in the previous decision so that search result 1 is not displayed during the period

May 25, 2018 to June 11, 2018. With regard to the Data Inspectorate

had previously clarified in its decision that the request would be granted, which

also had been confirmed by the administrative court in a judgment that Google according to its own

information had in any case been served on May 23, 2018, Google can not be considered to have

processed the request without undue delay within the meaning of Article 17 (1) (i)

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Appendix 7 and 10–12.

the Data Protection Regulation. Google has thus processed personal data in

in breach of Article 17 of the Data Protection Regulation.

As stated in the previous decision is processed at the web address provided

the search leads to criminal information about the appellant within the meaning of
Article 10 of the Data Protection Regulation. During the current period, it wants
say May 25 to June 11, 2018, Google is responsible for the referral to
the web page and in particular because the link appears in the search results as
presented to Internet users searching for the complainant's name.18 Something
support for processing such data under the Data Protection Regulation
not existed. Google has thus processed personal data in violation of
Article 10 of the Data Protection Regulation.

Furthermore, the Data Inspectorate finds that Google has not shown that the company has followed
the injunction in the previous decision concerning complaint 8 within that time limit
which was stated in the decision, which by the company's appeal may be considered to have been
when the injunction became final. The Data Inspectorate states that this was
on May 24, 2018, which is not changed by the circumstances and the evidence
as invoked by Google. Google has thereby failed to comply
an injunction issued by the Swedish Data Inspectorate on the basis of section 45
the Personal Data Act and the Data Protection Directive.

Regarding search result 2, the Data Inspectorate finds that it was not covered by
the original request or the Data Inspectorate's injunction because it
according to Google data did not exist when the request was made.

2.4 Communication to webmasters that search results have been deleted
and information about this to individuals

2.4.1 What has emerged during the proceedings

If Google grants a removal request, Google will routinely grant that
notify webmasters (that is, anyone who subscribes to Google)
service "Search Console" formerly "Webmaster Tools") about which URL
which has been removed and that this was done as a result of a request for

removing.

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Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17, paragraph 46.

Google's removal request webpage contains the text '[o] m

URLs are removed from our search results as a result of your request we may provide

information to the webmasters of the deleted URLs ”. IN

connection to the text, the individual is encouraged to read the information

and check a box that they approve such treatment.19

Google has reported that 5,690 URLs have been removed upon request

from Sweden during the period 25 May 2018 to 11 February 2019.

The Data Inspectorate can thereby establish that information has been provided

webmasters in a large number of cases.

Google has further stated essentially the following. First is

The Data Inspectorate is not the competent supervisory authority regarding Google's routine to

send such messages. Secondly, such messages are not

Processing of personal data. Third, such treatment is not included

in violation of the Data Protection Regulation. This is because the messages are in

compliance with the principle of purpose limitation in accordance with Article

5.1.b, as the purpose is to facilitate the right to be forgotten. Further has

processing a legal basis, as Google has a legitimate interest

to process the data in order to increase the impact of the right to be forgotten

as well as to inform the webmaster in its capacity as concerned

interested. Fourth, Google complies with the principle of proportionality

obliged to balance the right to be forgotten against opinion and

freedom of information. Fifth, the routine is an appropriate and

proportionate action and industry practice.

2.4.2 The Data Inspectorate's assessment

2.4.2.1 The Data Inspectorate is authorized to exercise supervision in the matter

The Data Inspectorate's competence follows from the main rule that each

supervisory authority is competent in the territory of its own Member State

(Article 55 (1) of the Data Protection Regulation). The current treatment is one step

in Google's business as a search engine provider20 and is linked to it

obligation arising from such activities to ensure that the activities

Appendix 27.2, pp. 2-3.

See the judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12,

paragraph 41 and the judgment of 24 September 2019, G.C. and others, C-136/17, paragraph 35.

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meets the requirements of the Data Protection Regulation.21 Google has in a letter dated 12

December 2018 to the data protection authorities stated that it is Google (it

i.e. Google LLC based in the United States) which determines the purposes

and the means of that treatment and that this is not affected by them

organizational changes that the company made on January 22, 2019.22 De

organizational changes referred to is that Google from this

date has a principal place of business in Ireland regarding parts of

their business. A principal place of business shall have the authority to:

make decisions regarding the purposes and means of the treatment in question
(Article 4.16 and recital 36). Google has not shown that Google Ireland has such
powers in the field of search engine business. The Data Inspectorate considers
because the single point of contact mechanism (Articles 56 and 60) does not
is applicable and that the Data Inspectorate is thus the competent supervisory authority in
the case.

2.4.2.2 The messages constitute personal data processing

The Data Inspectorate finds that the messages in question are personal data
and that the fact that Google sends the messages means that Google
processes personal data for the following reasons. As can be seen from the expression “each
information "in the definition of the concept of personal data (Article 4 (1)) shall:
the term is given a broad meaning. It includes both objective and
subjective information if they "refer" to a specific person, which is the case
they, because of their content, purpose, or effect, are attached to a person.23
The information that Google has granted a search hit to a particular URL
to be deleted refers to a person, especially since the use of the data
affects the person's rights and interests, for example by being able to
be used to counteract the purpose of the request.24 For that to be the case
a personal data is not required that the information itself makes it possible to
identify the person or that all information necessary for
identification is held by a person. The question of whether someone is identifiable should
assessed on the basis of the aids that can reasonably be used by
someone to identify the person. A person is not considered identifiable if
the risk of it in practice is negligible.25 In the present case, the risk is not

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Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17 paragraph 43.

Appendix 50 50 appendices 1 and 2.

Judgment of the European Court of Justice of 20 December 2017, Nowak, C-434/16, paragraphs 34-35.

See, by analogy, the judgment of the European Court of Justice of 20 December 2017, Nowak, C-434/16, paragraph 39.

Judgment of the European Court of Justice of 19 October 2016, Breyer, C-582/14, paragraphs 41, 43 and 46.

negligible, since a granted request for removal is by definition

linked to a person's name. Identification can thus be done directly about it

there is only one name on the web page that the search results lead to. If it exists

several names on the website, you can instead take one name at a time and search

the name of the search engine. In one of these searches, the search result does not appear

appear and thereby indirectly reveal that it is the person who requested and

granted removal.

2.4.2.3 There is no legal support for sending the messages

The Data Inspectorate finds that Google has no legal basis for

treatment and that it is also not permitted on the basis that it would

be consistent with the original purposes for which the data were collected

in. Google thus processes personal data without having a valid legal

basis for processing in breach of Articles 5 and 6 of the Data Protection Regulation.

The reasons for the assessment are set out below.

The notices are not supported by a legal obligation

Google claims that the processing is based on a legal obligation (Article
6.1 (c) in accordance with Article 17 (2) of the Data Protection Regulation or, as may be understood,
in accordance with Article 5 (4) of the EU Platforms Regulation, 26 and that it is also to be considered
as an industry practice according to proposals and recommendations from the Commission.
The Data Inspectorate finds that the processing is not supported by Article 17 (2)
the Data Protection Regulation for the following reasons. The wording states that
the provision imposes personal data controllers who have published
personal data an obligation to take reasonable steps to inform
personal data controllers who then reuse this personal data via
links, copies or reproductions. Such an obligation to provide information does not apply
search engine providers when engaging in the activity that the right to
removal applies in relation to, namely to locate information such as
contains personal data that has been published or posted on the internet by
third men, index it automatically, store it temporarily and finally
make it available to internet users according to a certain
priority order.27 In addition, search engine providers,
who has received a request to delete a search hit, informs it

Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019.

Judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12, paragraph 41
and the judgment of September 24, 2019, G.C. et al., C-136/17 paragraphs 33 and 35.

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third party who published the information on the internet as the search hit

refers to. The purpose of the obligation under Article 17 (2) is to add greater
responsibility of the personal data controller for the original publication
which the search hit refers to and so that individuals should not be forced to produce
several requests for deletion. The requirements are higher for the one who originally
has published the information shall grant a request for deletion than to a
a search engine provider shall grant a request for deletion of a search result
which refers to the original publication of the data. It can
notes that the opinion of the Article 29 Working Party on the WP225 Guidelines,
that messages such as those in the case current from search engine providers to
webmasters do not have a legal basis under the data protection rules,
is still valid.28

The Data Inspectorate finds that the processing is not supported by Article 5 (4) i
the Platform Regulation for the following reasons. First, note
The Data Inspectorate that the ordinance was adopted on 20 June 2019 and will be applied
only from 12 July 2020 (Article 19) and thus not yet valid. For it
others, it is clear from the purpose and scope of that regulation that
it shall not affect Union law applicable to, inter alia
in the field of data protection (Article 1.5). It is further stated that the requirements in
the Platforms Regulation should not be seen as an obligation for
a search engine provider to disseminate personal information to its business users
and that any processing of personal data should take place in accordance with
the legal framework of the Union for the protection of individuals with regard to
processing of personal data and respect for privacy and protection of
personal data, in particular the Data Protection Regulation (recital 35).

As noted in the previous paragraph and developed in the following two sections (on
legitimate interest and purpose limitation) speaks the circumstances of it

the present case against the treatment being allowed or justified

because the display of a search hit may be illegal without the original

the publication is. A webmaster's interest in knowing that a search hit

does not appear when searching on a person's name is weak in comparison to those

interests that apply in the cases covered by the Platforms Regulation

protect (recitals 1-5). Against the same background, the treatment can not either, such as

See EDPB, Guidelines 5/2019 “on the Criteria of the Right to be Forgotten in the Search

engine cases under the GDPR ”(part 1), adopted on 2 December 2019 for the public

28

consultation, pp. 4-5, with reference to the WP225 guidelines, paragraph 23.

Google alleged, is considered compatible with established and common

industry practice.

The messages are not supported by a legitimate interest

Google claims that the treatment is based on Google's legitimate interest

(Article 6 (1) (f)) of 'informing the webmaster, as a key stakeholder,

that a URL that links to the webmaster's webpage has been removed

with reference to the [Data Protection Regulation]. ”29 Google states that consideration shall

ensure that the individual is informed about and can expect the treatment,

which can have a positive effect on him by removing the data from

the original web page. Furthermore, Google believes that the information does not constitute

specific categories of personal data, minimized as far as possible and

only shared with a recipient who already has access to them.

The Data Inspectorate finds that Google's processing is not permitted

reference to any of the interests expressed by Google. None of

the conditions of Article 6 (1) (f) are met, namely the existence of a

legitimate interest of the controller or third party, that

the treatment is necessary for the legitimate interest sought and

that the interests of the individual or fundamental freedoms and rights do not weigh

heavier and requires the protection of personal data.30

Google has first stated that the treatment may lead to it

webmaster deletes the original information, i.e. what gets

perceived as the webmaster's interest in trying his own possible

obligation to delete the information from the website. The Data Inspectorate

notes, however, that the interest relied on by Google is hypothetical

the time of processing, because Google does not know about it

webmasters have an interest in making any such assessment. It is

thus not a legitimate interest within the meaning of the Data Protection Regulation.31

The treatment can then also not be considered necessary. The webmaster

interests can, in a balance of interests, also not be considered to outweigh those

registered fundamental rights and freedoms.

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Aktbilaga 45, p. 14.

See the judgment of the European Court of Justice of 4 May 2017, Rīgas satiksme, C 13/16, paragraph 28.

Judgment of the European Court of Justice of 11 December 2019, TK, C 708/18, paragraph 44.

In addition, Google has invoked the public's legitimate interest in Google
does not make erroneous removal decisions. The Data Inspectorate finds that
Google only sends the messages after Google has already deleted one
search hit, ie after Google has already made the required balance
in order not to make wrong decisions. It is thus not an actual interest in
the time of treatment. It is thus not a legitimate interest in
meaning of the Data Protection Regulation.32
If what Google has stated regarding incorrect decisions should instead be perceived as
that the legitimate interest is the public interest in making wrong decisions
whether deleting search results afterwards can be corrected to is
The Data Inspectorate's assessment is that the processing is not necessary.
The information that Google has removed a URL is not sufficient to
the webmaster should be able to assess whether the decision is incorrect, then it
webmasters lack knowledge of what the individual has stated in their request.
The Data Inspectorate also assesses that the individual's interests weigh
heavier based on the following circumstances.
The fact that the data protection authorities in the WP225 guidelines (paragraph 23)
expressly advised against search engine providers from submitting such
messages argue that it would be permissible in a balance of interests.
Only Google and the individual know that Google has granted one
request for removal. By Google disclosing the information to third parties
this is a more serious violation than if the data had been
publicly available.33
The disclosure of the information to the webmaster also takes place without
adequate safeguards, as Google has not shown that the company can guarantee
or have any opportunity to influence that the webmaster does not use

the information in an improper manner or that the information is not disclosed to

third-party webmasters who are not subject to adequate safeguards.

As for the legitimate expectations of the individual, Google certainly has

informed in its web form that the treatment may take place, but

Judgment of the European Court of Justice of 11 December 2019, TK, C 708/18, paragraph 44.

Judgment of the European Court of Justice of 24 November 2011, Asociación Nacional de Establecimientos

Financieros de Crédito, C 468/10 and C 469/10, paragraph 45.

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has done this in a misleading way that gives the impression that the treatment

must be approved by the individual for the removal request to

managed, or that the processing follows from Google's legal obligation to

handle request. It must be borne in mind that Google has not informed them

registered that the legal basis for the processing is justified

interest pursuant to Article 6 (1) (f) (Article 13 (1) (c)), the company or third parties

legitimate interests which make the processing necessary (Article 13 (1) (d)) or

the company's intention to transfer the data to third countries (Article 13 (1) (f)). It has

nor has it emerged that Google has expressly notified the individual

on the right of the individual under Article 21 (1) to object at any time

treatment based on a legitimate interest and clearly stated,

clear and distinct from other information (Article 21 (4)).

Against this background, the treatment is not allowed on the basis of a legitimate

interest.

The messages are not compatible with the original purpose

Finally, Google claims that the sending of the message is compatible with

the original purpose for which the data was collected, ie Google

obligation to remove search results in certain cases on request (Article 17 (1) and (3)).

According to Google, the purpose of the treatment is to "give the webmaster one

ability to delete the actual content of the web page, as this increases

the impact on the right to be forgotten". Google thus claims that the company

sends these messages pursuant to Article 6 (4) of the Data Protection Regulation.

The Data Protection Regulation contains criteria for deciding on a treatment

for other purposes is consistent with the purposes for which the data

originally collected or if the treatment violates the principle of

purpose limitation in Article 5 (1) (b) of the Data Protection Regulation (points (a) to (e) (i)

Article 6 (4) and recital 50). Several of the circumstances that are relevant according to

these criteria have already been described in the previous section and will

therefore only summarized here.

The Data Inspectorate states that the current processing is unfounded

with the consent of the data subject or Union law or that of the Member States

national law. Furthermore, the Data Inspectorate states in accordance with

the criteria in Article 6 (4) that the link between the objectives (point (a)) is weak;

as stated in the previous section, the possibilities of the data subjects and

rights regarding requests to search engine providers and

website owners are not equivalent. The context is not like that either

that the latter treatment is what the individual can typically expect

(point (b)), which is not affected by the information provided by Google
the treatment in its web form as that information is misleading. To
a request for removal made and granted may in itself be considered as
personal data of a privacy-sensitive nature (point c). In addition, it speaks for itself
that a request for removal has been granted to the underlying
the information on the website is often such particularly sensitive information or
criminal offenses referred to in Articles 9 and 10 of the Data Protection Regulation.
The consequences of the subsequent treatment (point d) may generally be considered
negative for the individual and can even be used to counteract the purpose of
request. The individual is also not obliged to turn first or at the same time
to the webmaster where the data was published and request that it be deleted
and can also be assumed to have a worse chance of success with one
request due to the fact that the original publication may have a stronger
Freedom of Expression Protection.34 In addition, knowledge of the search engine
granted a request is assumed to entail a risk that some webmasters will try
circumvent the deletion decision by republishing the information on a
other address or otherwise disseminate them. As stated above, Google has
has not shown that the company has set up any guarantees or protective measures to
counteract this (point e).
Google does not test the suitability of sending the messages in
the individual case and also does not offer the individual any opportunity to
object. Google's routine in general to deal with deletion, namely only
based on specific URLs, with requirements for new requests even when the same
content is republished, entails a risk that individuals are exposed to unnecessary
suffering as a result of the treatment. An example of this is search result 2 i
complaint 8, where the company had blocked the search hit as the Data Inspectorate

resubmitted, but where the same content reappeared in the search results then

the webmaster republished the content on the same site, but on

a new URL. The individuals themselves must monitor and react to any

republishing in the company's search services. This erodes the effectiveness of

their rights and is therefore not in their interest.

Judgment of the European Court of Justice of 13 May 2014, Google Spain and Google, C-131/12, paragraph 83

and 85 and the judgment of September 24, 2019, G.C. and others, C-136/17, paragraph 52 and

Opinion of the Advocate General at the sitting, point 81.

34

The Data Inspectorate finds that Google does not support Article 6 (4) and that

the procedure constitutes a violation of the principle of limitation of purpose in

Article 5 (1) (b) of the Data Protection Regulation.

2.4.2.4 The information to individuals violates the principle of transparency

Google has stated that the purpose of the information to the individuals in

the web form that messages are sent to webmasters is that

meet the requirements of the right to information and the principle of legality,

accuracy and transparency and that this follows from practice.35

The Data Inspectorate does not question that Google is obliged to inform them

registered which recipients will have access to their data

pursuant to Article 13 (1) (e), but notes that the obligation to provide information is intended to:

protect the data subjects.36 As noted in the previous section, it is

the current transfer is illegal and to the detriment of the individual. Like there too

Google has provided misleading information to individuals about it

legal basis on which the treatment is based. In addition,

the data protection authorities jointly, and the Data Inspectorate in particular,

previously alerted Google to the shortcomings of the routine of submitting such

messages without Google fixing it. In addition, Google requires that they

individuals approve the procedure for submitting a request for

removing. Against this background, the information provided by Google appears

leaves to individuals about the treatment as misleading in a way that may

is considered to be conducive to persuading individuals to refrain from exercising their right to request

removing. By doing so, Google is processing personal data in violation of

the principle of transparency in Article 5 (1) (a) of the Data Protection Regulation.

3 Choice of intervention

3.1 Possible intervention measures

The Data Inspectorate has a number of corrective powers available according to

Article 58 (2) (a) to (j) of the Data Protection Regulation, inter alia, to impose it

Judgment of the European Court of Justice of 16 January 2019, Deutche Post AG, C-496/17, paragraph 59 and

Judgment of 1 October 2015, Bara and Others, C-201/14, paragraph 34.

36 Judgment of the European Court of Justice of 7 May 2009, Rijkeboer, C-553/07, paragraphs 34-35.

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personal data controller to ensure that the processing takes place in accordance with

Regulation and, if necessary, in a specific way and within a specific

period.

Of point (i) of Article 58 (2) and Article 83 (2) of the Data Protection Regulation

it appears that the Data Inspectorate has the authority to impose administrative

penalty fees in accordance with Article 83. Depending on the circumstances of
in the individual case, administrative penalty fees shall be imposed in addition to or in
instead of the other measures referred to in Article 58 (2). It is further stated in the article
83.2 which factors are to be taken into account when making administrative decisions
penalty fees shall be imposed and in determining the size of the fee.
If it is a question of a minor violation, the Data Inspectorate receives according to what
set out in recital 148 of the Data Protection Regulation instead of imposing a
issue a reprimand in accordance with Article 58 (2) (c)
aggravating and mitigating circumstances in the case, such as the infringement
character, degree of difficulty and duration as well as previous violations of
relevance.

3.2 Order

The Data Inspectorate has found that Google by regularly submitting
notification to webmasters that search results have been removed processing
personal data in breach of Articles 5 (1) (b) and 6 of the Data Protection Regulation.
Furthermore, it has been found that Google provides misleading information about
the transmission of such messages in a manner contrary to Article 5 (1) (a) (i)
the Data Protection Regulation.
Google should therefore be instructed to ensure that the processing of these parts takes place in
in accordance with the Data Protection Regulation as follows.
The Data Inspectorate submits pursuant to Article 58 (2) (d) i
Google's Data Protection Regulation that, as far as removal requests are concerned
of displaying search results in searches on individuals' names using
Google search services that can be done from Sweden,

- stop informing webmasters of URLs when Google

has granted a request except in cases where the individual himself has requested

the.

□

cease to display the text “If URLs are removed from our

search results as a result of your request, we can provide information to them

webmasters for the deleted URLs ”in their web form

for request for removal or provide similar information to

individuals if it is not clear that webmasters are only informed about

that a request has been granted if the individual has requested it.

3.3 Circumstances of significance for whether a penalty fee is to be imposed

3.3.1 What Google has stated

Google has stated that in the case of complaints 2 and 8, these are isolated cases

events concerning two individual data subjects and are consequences of

acceptable and well-founded interpretations of applicable law. It can not

be consistent with the intention or overall purpose of

the Data Protection Regulation to impose excessive fines for

infringements relating to individual material interpretations of existing

right with little or no impact on data subjects. In the present case has

no damage was shown at all with respect to the alleged

the infringements. If high levels of sanctions were to be applied for relatively small

infringements and isolated events and with little or no impact on

registered, they would risk as a tool to ensure compliance

lose its effect because data controllers would have nothing

incentives to strive for compliance at a systematic level.

In summary, Google claims that the following circumstances should considered mitigating. It is a matter of isolated events, which have been going on for a limited time and concerns a limited number of registered who have not suffered any damage as a result of the alleged infringements. Google has notified the data subjects that they can complain to the Data Inspectorate. Google has has not been intentional or has been negligent and cannot be considered as principal or solely responsible. Google complies with the Data Protection Regulation on a systematic level and act in accordance with a code of conduct by following WP225 guidelines. Google has cooperated with the Data Inspectorate. Google have not gained any financial benefits or avoided losses.

3.3.2 Assessment of the infringement concerning complaints 2

In the mitigating direction, the circumstance speaks that the violation only concerns one person.

The following circumstances point in an aggravating direction. The violation is a step in a systematic procedure because it follows the procedures of Google. Further are the current categories of data, such as sensitive data and criminal offenses, particularly worthy of protection. If a search result leads to a web page with such personal information about a person, it can have a significant impact on his fundamental rights with respect to privacy and the protection of personal data and constitute an exceptional serious intervention.37 It should typically result in damaged reputation, unauthorized disclosure and significant financial disadvantage for individuals, thereby

it should be mentioned that the appellant in the present case has likened the effect of

the violation that a professional ban would have been issued against him.38

Google has not taken sufficient measures to alleviate the damage, but let

the search meeting remains despite the Data Inspectorate's previous decision. The violation

has lasted for about 4.5 months during the time that the Data Protection Ordinance has been

applicable. Since the procedure followed Google's procedures, this is not the case

an individual mistake without the action has been made intentionally. It can too

found that Google has failed to comply with the order as

The Data Inspectorate announced in the previous decision on the basis of section 45

the Personal Data Act and the Data Protection Directive to cease

the treatment. Because Google requires individuals to enter an exact

URL in Google's web form and does not investigate requests

covers more than that, the company at least avoids indirect costs.

3.3.3 Assessment of the infringement concerning complaints 8

In the mitigating direction, the circumstances indicate that the infringement only concerns

a person and that the time that the infringement has been going on while

The Data Protection Regulation has been applicable, about two weeks, is a relative

short time.

The following circumstances speak in an aggravating direction. The Data Inspectorate has

found that Google had failed to comply with the order

the supervisory authority announced in the previous decision on the basis of § 45

the Personal Data Act and the Data Protection Directive to cease

processing and which became final on May 24, 2018. Google has done

regarding that the company intended to comply with a legally binding agreement

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Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17, paragraphs 44 and 46.

See Annex 31, p. 2.

injunction, but on the other hand has not shown diligence by correcting itself

at the discretion of the regulatory authority by temporarily restricting

the display of the search results pending court review or even when Google

according to own information on 23 May 2018 was served the judgment that upheld

Data Inspectorate assessment. Regarding the current categories of

information has been criminal information, which is particularly sensitive to privacy.

If a search result leads to a website with such personal information about one

person, it can have a significant impact on its fundamentals

rights regarding respect for privacy and the protection of

personal data and constitute a particularly serious interference.39 It should

typically result in damaged reputation, unauthorized disclosure and significant

financial disadvantage for individuals, whereby it should be mentioned that the appellant in it

The present case has been likened to the effect of the infringement on a professional ban

would have been reported to him.40 Google has not taken sufficient action

measures to alleviate the damage, but left the search hit in spite

The Data Inspectorate's decision and the court's judgment. Because the procedure followed

Google's routines have been intentional.

Assessment of the infringement regarding communication to webmasters and

information to individuals

The following circumstances are aggravating. The infringement intended to send

message is such that it erodes the effectiveness of the right to

removal and affects anyone who has been granted a removal request.

For the current period, potentially 5,690 people can be covered by

procedure. The infringement regarding misleading information affects

anyone who may have an interest in making such a request. The current category

of information, ie that someone has requested and been granted removal, may

typically considered to be a task for which the individual does not want to be disclosed

the webmaster or someone else, as the task can be used for

to counteract the purpose of the request. The violations thus cause damage in

form of lost opportunity for the individual to exercise their rights, lack of

control over their personal data and unauthorized disclosure. The violations

has been going on since May 25, 2018 and is still going on. It appears from

investigation into the case that Google has been aware of the treatment and

so that it was done intentionally. Since the procedure can be assumed to entail that

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Judgment of the European Court of Justice of 24 September 2019, G.C. and others, C-136/17, paragraphs 44 and 46.

The previous decision, p. 31.

Individuals refrain from requesting removal Google avoids in any case

indirect costs.

3.3.5 Penalty fees shall be imposed

The proceedings covered by this supervision in respect of complaints 2 and 8 thereof

previous decision has meant that Google processes data such as

The Data Inspectorate in previous decisions found that Google treated in violation of

the Personal Data Act and the Data Protection Directive and instructed Google to

cease. It can thus not be considered an excuse, material

misinterpretations. It also shows a lack of respect for the rights of individuals

and are thus not minor infringements within the meaning of recital 148 in the preamble

the Data Protection Regulation. There is thus no reason to replace one

penalty fee with a reprimand. There is no other corrective action

current. Google will therefore be subject to administrative penalty fees for

the infringements.

The procedure of sending message to webmasters and the information

provided to the individual in the web form is done systematically and at risk

to put the right to removal out of play. It's not about less

violations. There is no reason to replace a penalty fee with one

reprimand. Nor is it enough that Google is ordered to cease

with the procedure. Google will therefore be subject to administrative penalty fees

also for these violations.

3.4 Determining the size of the penalty fee

3.4.1 General provisions

According to Article 83 (1) of the Data Protection Regulation, each supervisory authority shall:

ensure that the imposition of administrative penalty fees in each individual

cases are effective, proportionate and dissuasive.

The Data Inspectorate has found that Google has violated Articles 5, 6, 9,

10 and 17 of the Data Protection Regulation. These Articles are covered by Article 83 (5),

which means that a higher penalty amount can be imposed.

According to ch. 6 Section 3 of the Data Protection Act, the Data Inspectorate may also levy one

penalty for infringements of Article 10 of the Data Protection Regulation and

shall then apply Article 83 (1), (2) and (3) and determine the amount of the fee

pursuant to Article 83 (5).

According to Article 83 (3), the administrative penalty fee may not exceed

the amount of the most serious infringement in the case of one or the same

data processing or interconnected data processing.

For the purposes of calculating the amount, see Article 83 (5) (i)

Data Protection Regulation that companies committing infringements such as the current ones

Sanctions of up to EUR 20 million or four may be imposed

percent of total global annual sales in the previous financial year,

depending on which value is highest.

3.4.2 The amount at which penalty fees can be determined

When determining the maximum amount for a penalty fee to be imposed on one

companies, the definition of the term company must be used as the European Court of Justice

apply in the application of Articles 101 and 102 of the TFEU (see recital)

150 of the Data Protection Regulation). It is clear from the case law of the Court that this

includes any entity engaged in economic activities, regardless of the entity's

legal form and method of financing and whether the entity in

legal meaning consists of several natural or legal persons.41

The Data Inspectorate assesses that the company's turnover is to be added

basis for calculating the administrative penalty fees that Google can

imposed is Google's parent company Alphabet Inc (Alphabet). Of collected

data, Alphabet's global annual sales in 2018 were approximately 136,819,000,000

US dollar (USD), 42, which is equivalent to approximately 119,500,000,000 euros

(EUR) .43 This corresponds to approximately SEK 1,280,000,000,000.44 The highest

the amount of the sanction that can be determined in the case is four percent of this amount,

that is to say about 51 200 000 000 (fifty-one billion two hundred million)

kronor.

Article 29 Working Party, Guidelines for the application and determination of administrative

penalty fees in accordance with Regulation 2016/679 (WP253 Guidelines), p. 6.

41

Appendix 40, p. 47.

Based on the exchange rate USD to EUR as of March 9, 2020 according to European

central bank, 0.8729.

44 Based on the exchange rate EUR to SEK as of March 9, 2020 according to European

central banks, 10.7203.

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3.4.3 Determining the size of the penalty fee

In order for penalty fees to be effective and dissuasive, according to

The Data Inspectorate's opinion on the turnover of the personal data controller

be taken into account in determining the size of the penalty fees. One

proportionality assessment must also be made in each individual case.

In a proportionality assessment, one must ensure that the penalty fee

does not become too high in relation to the current infringements. Thereby shall

take into account that the complaints concern two people and that the routine to regularly

notify webmasters about deletion and information to individual refers

Sweden and in the current case can amount to 5,690 registered. At the same time

penalty fees must be effective and dissuasive.

Overall, the Data Inspectorate finds that an efficient, proportionate and

dissuasive penalty for the infringements found

Complaints 2 and 8 are SEK 25,000,000 (twenty-five million)

message to webmasters and misleading information to individuals is

50,000,000 (fifty million) kronor.

Against this background, the Data Inspectorate decides with the support of ch. § 3

the Data Protection Act and Articles 58 (2) and 83 of the Data Protection Regulation that

Google will pay an administrative penalty fee of 75,000,000 (seventy-five)

million).

This decision was made by the Director General Lena Lindgren Schelin after

presentation by the lawyer Olle Pettersson. At the final processing

also has General Counsel Hans-Olof Lindblom, Unit Manager Catharina

Fernquist and lawyer Nidia Nordenström participated.

Lena Lindgren Schelin, 2020-03-10 (This is an electronic signature)

3.5 Appendices

Appendix 1 - How to pay a penalty fee

4 How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i

the letter which decision is being appealed and the change you are requesting.

The appeal must have been received by the Data Inspectorate no later than three weeks from

the day you received the decision. The Data Inspectorate sends the appeal

on to the Administrative Court in Stockholm for review if the inspection does not

yourself change the decision in the way you have requested.

You can e-mail the appeal to the Data Inspectorate if it does not contain

any privacy-sensitive personal information or information that may be covered by

secrecy. The authority's contact information can be found on the first page of the decision.