

Athens, 25-07-2019 Prot. No.: G/EX/5225/25-07-2019 GREEK REPUBLIC AUTHORITY FOR THE PROTECTION OF PERSONAL DATA OF A P O F A S I NO. 25/2019 (Department) The Authority for the Protection of Personal Data Character met at the invitation of its President in a Department meeting at its headquarters on 17-07-2019, following its regular meeting from 13-03-2019 and postponing its meeting from 30-01-2019, in order to examine the case referred to in the history of the present. The Deputy President Georgios Batzalexis, who was in the way of the President of the Authority Constantinos Menoudakos, and the alternate members Panagiotis Rontogiannis, as rapporteur, and Evangelos Papakonstantinou, in place of the regular members Antonio Symvonis and Konstantinos Lambrinoudakis respectively, who, although legally summoned in writing, appeared. they did not attend due to disability. Regular member Charalambos Anthopoulos and his deputy Grigorios Tsolias, although legally invited, did not attend due to disability. K. Limniotis, a scientist-informatics specialist, also attended the meeting, as an assistant rapporteur, by order of the President. E. Papageorgopoulou, an employee of the Authority's Administrative Affairs Department, was also present, by order of the President, as secretary. The Authority took into account the following: A's appeal No. C/EIS/5064/11-06-2018 was submitted to the Authority (as supplemented by No. C/EIS/6276/17-07-2018 document), which concerns 1 the refusal of Google LLC (hereinafter, Google) to remove/delete the links referred to in the complaint, which appear in the search results of the relevant search engine of the company based on [...]. According to the applicant, the publications in question were initiated by ... newspapers which [...]. Subsequently, the false and slanderous - according to the applicant's claims - news were channeled and republished in numerous media, so today the same publications appear in their entirety or with minor variations on several websites. The publications in question relate to six (6) basic issues, which in the above complaints are summarized as follows: A. In information and data regarding allegedly "[...]" of A and that he himself "[...]". According to the applicant, the information is false and defamatory [...]. In addition, A had taken legal action against the creators of the above news claiming large compensation from the newspaper ..., the ..., as well as their journalists B, C and D. A, as he states in his appeal, won the trials and the court convicted all the defendants and ordered them to pay compensation. B. In information that "[...]". According to the applicant, the information is false and defamatory, since the reality is [...]. Therefore, A, [...], had no responsibility for all these obligations that the publications attribute to him. In addition, A mentions that [...], which – according to him – suggests that he was not himself responsible for this situation. Further, A had taken legal action against the creators of the news in question claiming large compensation from the newspaper ..., the ..., as well as their journalists B, C and D and won the trials. The court convicted all the defendants and ordered them to

pay restitution. C. In information that describes or implies that "[...]" 2 According to the applicant, this information is completely defamatory and false without a trace of truth. [...]. A claims that if this were even the least bit true, we wouldn't be talking about a man who hasn't been to prison for a single day. Furthermore, A mentions that he had taken legal action against the creators of these news claiming large compensation from the newspaper ..., the ..., as well as their journalists B, C and D and won the trials. The court convicted all the defendants and ordered them to pay restitution. D. In information which, according to the complainant, constitutes hate speech/slander/defamation and refers to A's name in a disparaging manner, such as "[...]", and other such designations which, as the complainant notes, cause an incalculable degree of harm to him, they affect him as a person and as a professional, affect his private life and put his life in danger, since they present him as a ruthless thug and criminal. Furthermore, since it has been more than ... years since he was professionally active, they continue to exist even today, as if they all happened now, while they are no longer relevant. He himself is currently retired ... years old and professionally inactive. Also, the information is written in such a way that it gives the impression that these are confirmed facts and leave no room for doubt, while these are personal opinions only. A had taken legal action against the creators of these news claiming large compensation from the newspaper ..., the ..., as well as their journalists B, C and D and won the trials. The court convicted all the defendants and ordered them to pay restitution. E. In information contained in ... entitled ..., which, according to the complainant, constitutes hate speech/slander/defamation. [...]. All the facts of the said ... are detailed in the action that has been filed and was about to be heard. It is noted that, in a subsequent document of the complainant to the Authority (prot. no. C/EIS/53/07-01-2019), it is stated that regarding the said ..., following his communication with [...], after they accepted that the ... is libelous and defamatory [...]. In the same document the complainant states that [...] there was another publication for which the complainant asked Google to delete it from the search results, 3 also receiving a negative response (which was forwarded to the Authority by the complainant with no. . prot. G/EIS/82/08-01-2019 document). Z. In true information mentioning the name of A as to the participation of [...] etc. The reasons he wishes to delete the specific information, even though it was once valid and true, are, as stated in the above complaints, the following: a) They appear in the results under his name b) The information is no longer current and does not apply any longer. A may have [...] in the past, but today he is no longer in a relationship, is not professionally active and has been retired for ... years. c) [...], although they are clearly legal and [...], have been connected in Greece [...]. [...] For all of the above there is - according to the complainant's claims - no reason for A's name to appear in the search results for [...]. As the appellant also mentions in his later document to

the Authority (prot. no. C/EIS/53/07-01-2019), the court decisions that vindicated A have also been sent to Google. In this regard, in his subsequent memorandum with no. prot. C/EIS/2319/27-03-2019, it was clarified that in the requests he addressed to Google he mentioned that there are court decisions which have judged their inaccuracy and untruth. The above documents list a set of web links, for which corresponding deletion requests were submitted to the Google company, as well as the company's negative responses. Then, these links are listed based on the above categorization, the reference numbers of the corresponding requests submitted to Google, as well as the description of Google's response. The links that fall into categories A, B, C, D, and E are the following (their content, as described in the above complaint but also in the later one under the prot. C/EIS/2319/27-03- 2019 memorandum of the complainant, listed in the confidential annex hereof. The annex also lists the translations into Greek of the relevant texts, as they appear in the aforementioned memorandum of the complainant):

- 4 1. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. The same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. Also, the same link was submitted to Google with no. ... request. Google responded to the ... in the negative, again stating that it weighted the rights accordingly. The same link was resubmitted with no. ... request, for which Google replied on ... that a request had already been submitted for the link in question in the past, while it was finally resubmitted with request no. ..., to which Google did not respond.
2. [link] Submitted to Google under no. ... request. Google responded to ... in the negative, stating that it did the corresponding weighting of the rights. Also, osame link submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, for which Google replied on ... that a request had already been submitted for the link in question in the past, while finally it was resubmitted with request no. ..., to which Google did not respond. It is noted that, upon examination of the website in question, it appears that access is not free but only permitted to users registered with the service. On this page, only one proposal appears which concerns A.
3. [link] Submitted to Google with no. ... request. Google responded to ... in the negative, stating, however, that the content of the link in question is "locked" and could not be accessed. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. It is noted that, upon examination of the website in question, it appears that access is not free but only allowed to users registered with the service (something that Google also pointed out in its response

to 5 the complainant). On this page, only one sentence appears, which concerns A. 4. [link] Submitted to Google with no. ... request, to which Google replied on ... that the link in question had already been requested before (not found, however, in the list of links included in previous requests). It is noted that, upon examination of the website in question, it appears that access is not free but only permitted to users registered with the service. On the said page there is a paragraph (of the two sentences) which concerns A. 5. [link] Submitted to Google with no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google responded to ... in the negative, without further documentation ("At this time, Google has decided not to take action"). The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 6. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google responded to ... in the negative, without further documentation ("At this time, Google has decided not to take action"). The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 7. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, for which Google responded on 6 ... that the link in question had already been requested in the past. 8. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 9. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 10. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 11. [link] Submitted to Google

under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 12. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link 7 was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 13. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. It is noted that, upon examination of the said link by ..., the said link appears to be inactive. 14. [link] Submitted to Google under no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 15. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it did the corresponding weighting. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 16. [link] Submitted to Google under no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 17. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, 8 the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. It is noted that upon examination of the said link on ..., the said link appears to be inactive. 18. [link] Submitted to Google under no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 19. [link] This is the service [...] of Google, for which ... the applicant points out specific points (as described in the Annex hereto). Also,

the applicant states that [...] all legal legal procedures have been initiated and a lawsuit has been filed before the Multi-Member Court of First Instance ... against E, F, Z and H, based on Articles 362 & 363 of the Criminal Code, 367 of the Criminal Code , Article 57 Par. 1 & 2 of the Civil Code, Article 2 Par. 1 of the Constitution. [General filing number ..., Petition filing number ...]. Submitted to Google under no. ... request. Google responded to ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. It is noted that, upon examination of the said link on ..., there is information on the said ..., but the said link does not refer to [...] – so the ... pointed out by the complainant cannot be found. After all, as the appellant mentions in his later document No. G/EIS/53/07-01-2019 (see also above), ... withdrew the said ... from the Google service [...]. 20. [link] (This is the same ... detailed above). 9 Submitted to Google under no. ... request. Google answered the ... in the negative, without further documentation. It is noted that, upon examination of the said link on ..., there is information on said ..., but the said link does not point to [...] – so the [...] cannot be found. After all, as the appellant mentions in his later document No. C/EIS/53/07-01-2019 (see also above), ... withdrew the said ... from the Google service and there is now a brief description of this. 21. [link] (This is the same ... detailed above). Submitted to Google under no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. In contrast to the previous links, in this particular one [...] is available and there are references to A. 22. [link] (This is the same ... mentioned in detail above). Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 23. [link] (This is the same ... detailed above). Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Also, the same link was submitted to Google with no. ... request. Google 10 answered the ... in the negative, without further documentation. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 24. [link] (this is the link listed in the later document numbered prot. C/EIS/82/08-01-2019). Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. The links that fall into category G are the following: (their content, as described in the above complaint but also in the complainant's later

memorandum No. prot. C/EIS/2319/27-03-2019, is listed in the confidential annex hereto. The annex also lists the translations into Greek of the relevant texts, as they appear in the above-mentioned memorandum of the complainant): 25. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 26. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. The same link was resubmitted with no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 27. [link] 11 Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 28. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 29. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 30. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it weighted the rights accordingly. Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 31. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 32. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 33. [link] 12 Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 34. [link] Submitted to Google under no. ... request. Google responded to the ... in the negative, stating that it did the corresponding weighting of rights. Also submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. 35. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. 36. [link] Submitted to Google under no. ... request, to which Google replied on ... that the link in question had already been requested in the past. However, it was not found in the previous requests. The Authority invited the company/operator of the Google search engine, as legally represented, with the Authority's document No. C/EX/374/18-01-2019, to a hearing before the Authority at the meeting of 30 -01-2019, to thoroughly present her views on the

above. At this meeting, it was called for the specific issue, with no. Prot. C/EX/375/18-01-2019 summons, and the appellant A. The controller, through the legal representative of Ms. Haras Daoutis, requested - with Prot. No. C/EIS/673/29 -01-2019 request - and received from the Authority a postponement for the discussion of the case on Wednesday 03-13-2019. At the meeting of 03-13-2019, Ioannis Filiotis and Chara Daouti were legally present, as representatives of the controller. Also, the applicant A, together with Θ and I from the 13 company... was legally present. During the hearing, both the aforementioned representatives of the controller and the applicant with his representatives presented their views orally. Following the hearing, both sides timely submitted relevant memoranda to the Authority. In particular, Google filed the no. prot. C/EIS/2387/28-03-2019 memorandum (the attached documents received protocol numbers C/EIS/2433/29-03-2019, C/EIS/2434/29-03-2019 and C/EIS/ 2436/29-03-2019 respectively). In the above memorandum, Google states that two issues arise in this case: I. The first issue is whether Google, as the operator of the search engine and provider of related services on the Internet, has an obligation to examine the accuracy and legality of information posted by other entities (website operators) and found (fished) through specific links of the search engine, the company states that the question of legality or accuracy of the information in question is considered in principle in the context of the activity of the website publisher. Thus, according to the company, if upon examination of the legality of the disputed information in the context of this activity (i.e. the publisher of the website) it is found to be illegitimate or inaccurate or false, defamatory, etc. by the competent judicial or administrative authority, then this judgment affects the obligation of the operator of the search engine and imposes on him the removal of the relevant link because otherwise there would be a circumvention of the judgment on the illegality of the competent body. That is, in this case, the operator of the search engine is obliged to delete the specific link (URL) which catches or refers to the information which was judged by the competent body to be inaccurate or illegal. A similar obligation also exists when the disputed information withdrawn by the operator (publisher) of the website on which it is posted. Therefore, according to the company's claims, Google only then has the obligation to remove a specific link from the search engine operating under it, when the link in question catches or refers to information that was either deemed inaccurate or illegitimate by a competent authority judicial or administrative authority or was withdrawn by the operator of the website where it was posted. In support of the above claim, Google refers to the decision of the CJEU of 13 May 2014 (C-131/12), stating in particular that, according to it, on the one hand, the activity of the search engine on the internet "which consists in 14 locating information that are published or posted on the internet by third parties in their automatic indexing, in their temporary storage and finally in their

availability to internet users in a certain order of preference", constitutes processing of personal data (sec. 41, no. 1 of the operative part of the decision in question), on the other hand "the processing of personal data carried out in the context of the activity of the search engine differs from and complements the activity of website publishers, which consists in the posting of such data on a web page" (sec. 35-38, 83-86) . Google points out that, based on this clarification and pointing out that the interests of the parties involved (search engine operators, website operators or publishers, data subject, internet users), whose weighting is taken into account for the deletion or blocking of information (data) disputes, are different in the context of the activity of the search engine than those in the context of the activity of website publishers (see paras. 81-87), the said decision concludes that the operator of the search engine is obliged to delete "links to websites published by third parties that contain information related to the person", if this is required by the weighing of the critical interests and indeed even if the disputed information is legal (sec. 88 and no. 3 of its operative part). Furthermore, Google makes special reference to the guidelines issued by the Article 29 Group of Directive 95/46/EC, specifically stating that, according to them, "Protection Authorities generally do not have the power and are not authorized to judge (deal with) with information that is likely to constitute a civil or criminal offense committed by speech" against the "applicant, such as insult, defamation or libel. In these cases, the Protection Authorities usually refer the data subject to the police and/or to the court if a request to delete results has been rejected. The position of the Protection Authority will be different if a court has ruled that the publication of the information is actually a criminal offense or violates other laws. Nevertheless, the Protection Authorities remain competent to decide whether the legislation on the protection of personal data has been respected". Also, Google mentions article 13 of Directive 2000/31 EC (article 12 of p.d. 131/2003) which regulates the obligations of the search engine service provider, which states: "1. In case of provision of an information society service, which consists in the transmission of information 15 provided by a service recipient in a communications network, there is no responsibility of the provider of the service, with regard to the automatic, intermediate and temporary storage of the information, which is made for the sole purpose of making the subsequent transmission of the information to other recipients of the service more efficient, at their request, on the conditions that the service provider: (...) (e) acts immediately to withdraw the information it has stored or make access to it impossible, as soon as it becomes aware that the information has been withdrawn from the point of the network where it was originally located, or access to the information has become impossible, or a judicial or administrative authority has ordered the withdrawal of the information or prohibited access to it." Based on the above, Google asserts in its memorandum that the applicant's request to remove the

appeal-specific links (URLs) based on the alleged inaccuracy of the disputed information would be legitimate and could only be granted if the applicant invoked decisions of a competent judicial or administrative authority, which decide that the information whose deletion the appellant requests with his appeal is inaccurate or illegal and/or if the information had already been withdrawn by the operators (publishers) of the relevant websites. Regarding the facts of this particular case, Google states that the appellant relies on the one hand on the decisions of the Multi-member Court of First Instance under numbers ... and ... (hereinafter jointly the "decisions") and on the other hand from ... and under no. v. ... action before the Multi-member Court of First Instance ... (hereinafter the "action"), which has not yet been discussed. Regarding them, Google states that they are not able to support and do not support the deletion request on the one hand because one of these decisions has not become final and the appeal against it is pending and on the other hand the decisions did not order the removal of the insult of the personality of the applicant (plaintiff) through the deletion of information deemed to be defamatory or illegal in the absence of a relevant request (see below paras. 11-12). Also, Google states that these decisions have ruled that the information appearing on the links identified by it as deleteable (hereinafter the disputed links) are accurate and legal. In particular, Google states that the appellant has not filed an appeal against the decisions and, therefore, as far as he is concerned, they have become final and irrevocable 16 since more than six (6) years have passed since they were issued. On the contrary, against the decision numbered ... of the Multi-Member Court of First Instance ... (PP..... ...), which has identical content to the decision numbered ... of the same court (PP..... ...), has an appeal was filed by the defendants (... , C and B), which has not yet been adjudicated. So, as far as they are concerned, the said decision has not become final. Google attaches to its memorandum the relevant numbers ... and ... Certificates of the Court of First Instance Consequently, the judgments of the judgments on the part that rejected the objections of the applicant have become and are irrevocable and unassailable. On the contrary, the judgments of the PP..... ... in the part that accepted the objections of the applicant have been challenged and are pending before the Court of Appeal..., which will decide on their correctness. Google also states that from the pleadings of the lawsuits on which PP..... ... and PP... ... were issued (which are attached with its memorandum) it appears that the applicant did not request from the authors of the initially published articles the deletion of them and/or the posting of other relevant corrective text in the pages of their newspaper to restore the truth. Based on the request of the above lawsuits, the PP... ... and PP... ... after rejecting most of them (i.e. the lawsuits) accepted that the information contained in the relevant publications was all but four (which he cites Google in its memorandum below), true and legal, and recognized the defendants' obligation to pay the amounts referred to in

them which amount to euros (which Google states corresponds to approximately 3% of the requested amounts) and "obliged the defendants to omit in the future any insult to the personality of the plaintiff (applicant) with similar publications" with the threat of a monetary penalty and personal detention. Thus, in the absence of a relevant request, PP... .. and PP... .. did not order the removal of the offense by obliging the defendants to proceed with the deletion of this information and/or the posting of any other remedial publication. According to Google's claims, the decisions confirm the following: (a) That the applicant founded and was [...] of the company "P", the object of which [...] (see f. ... of PP... .. and f. ... of PP... ..), (b) That the company "P", [...]. During the period of time from ... and from then on [...], without any care being taken on the part of the company and by extension the 17 applicant (see f. ... of the PP... .. and f. ... of the PP... ..), (c) That the applicant [...] (see f. ... of the PP... .. and f. ... of the PP... ..), (d) That the applicant [...] (see f. ... of the PP... .. and f. ... of the PP... ..), (e) That the Appellate Prosecutor's Office [...] and that subsequently the Appellate Prosecutor's Office ... withdrew the requests for extradition as the reasons for which it had been requested disappeared [...] (see f. ... of the PP... .. and f. ... of the PP... ..), (f) That the company "P" [...] through the companies "P", "S" and "T", which managed ... just like the company "P", [...]. During the period of time ... - ... there were cases [...] from the company "P" (exactly the same as in the case of "P"). (see f. ... of the PP... .. and f. ... of the PP... ..), and (g) That the applicant [...] through companies [...] (indicatively the companies "R", "S ", "T", "Y" and "F") and that in many cases and under the new companies [...] (see f. ... of the PP... .. and f. ... of the PP... ..) .

Google also points out in its memorandum that the only facts and other information contained in the relevant publications which were judged by the decisions to be untrue and intended to defame the applicant are the following: (a) [...] (see f. ... of the PP... ..), (b) [...] (see f. ... of the PP... ..), (c) [...]. In fact, as the PP... .., [...] with the result that the reader is given the impression that [...] (see f. ... of the PP... .. and f. ... of the PP... ..), and (d) That there is any connection and/or parallelism of responsibilities between the applicant and the company of "P" on the one hand and on the other [...] (see f. ... of PP... ..).

Based on the above, Google refers to the appellant's objections regarding the deletion of links from the company's search engine, in relation to the six issues in which - according to the appellant - the contested links are categorized: Regarding the above issue A ("Information and data relating to [...]"), the PP... .. and PP... .. ruled irrevocably that the information the deletion of which the applicant requests in his appeal is accurate and legal and, therefore, the applicant's request to delete the disputed links becomes unfounded 18 and must be rejected. Regarding the above subject B (information that [...]"), this information is and has been irrevocably found to be accurate and legal and, therefore, the applicant's request to delete the

disputed links becomes unfounded and must be rejected. With regard to the above subject C (information that [...]), these objections were not the subject of the trial on which the decisions were issued and, therefore, they did not rule on their validity or not. According to Google, the fact that this information had not been relied upon or challenged in the lawsuits and had therefore not been the subject of the litigation that led to the issuance of the judgments casts doubt on whether this information is the content of the disputed links. Consequently, the request for the deletion of the disputed links is unfounded since, not only cannot it be supported and is not based on the decisions invoked by the appellant, but additionally, according to Google, serious doubts arise about the existence of the alleged objections since they do not the specific links which, according to the applicant's claims, contain the above information are neither identified nor specified. As regards the above subject D (information which, according to the appellant, constitutes hate speech/slander/defamation and refers to the name of A in a disparaging manner), these characterizations are contained in the publications which were the subject of the proceedings on which the subpoenaed decisions and which in the part that contained such information - characterizations were judged not to be defamatory or libelous because they contain true information. Thus, according to Google, the decisions invoked by the appellant not only do not support the aforementioned complaint, but on the contrary confirm its groundlessness. So, the request to delete the non-specific links that contain the above true information lacks any basis. Regarding the above subject E (information [...]), the information in question is exactly the same as that mentioned under items A, B and D and which, as has been said, was irrevocably judged by the invoked decisions to be accurate and legal and non-evidential slander nor libel – while, in any case, the invoked action has not yet been discussed before the court of first instance and is not capable of supporting the request to delete the information described in the action 19. As to the above subject F (true information stating the name of A [...] etc.), the information in question is accurate, as the applicant agrees, and therefore, the applicant's request to delete the identified links containing the said true information is baseless and should be rejected. Google says it has deleted the no. 9, 13, 17, 23 and 29 links containing information which have already been withdrawn by the operators of the relevant websites, in compliance with the applicable regulations of Union law¹.

II. The second issue is whether GOOGLE must - and if so under what conditions - delete specific links (URLs) which are found to contain accurate and legal information and whose deletion has been requested by the interested party invoking the right into oblivion. In this regard, Google states that the disputed information concerning the applicant and which is found with the search engine operated by Google cannot be deleted, since it relates to the professional activity of a person (i.e. the applicant) who played and continues to play a

significant role in public life, and which, as the applicant himself stated during the hearing, was [...]. Thus, this information, insofar as it concerns the professional activity of the applicant, continues to be of interest to public opinion and cannot be deleted. For the most part, the links in question should not be deleted since the information contained in them is, on the one hand, true and legal (as Google has already argued in this regard above) and, on the other hand, comes from publications not by competitors of the applicant but [...], which, as the decisions were also accepted, it defended and continues to defend the interests of ... and protects them (see f. ... of the PP... ..., ... of the PP... ...). For his part, the appellant, with his above memorandum to the Authority, mentions - among other things - the following: a) He is already retired from the year ..., therefore professionally inactive for ... years. In the year ... he was the legal representative and main shareholder of the company "P" based in ..., which [...]. The total shares of the above 1 Google also mentions the deletion, for the same reasons, of three other links, which, however, do not appear in the applicant's documents to the Authority. 20 companies, both those of ... and their manager "P", belonged to the holding company with the name "P" [...]. Until then, the company used as working capital, in addition to huge equity capital, borrowed funds from Banks against mortgages [...]. Subsequently, the company chose to use borrowed funds [...] to further improve its already impressive - as the applicant states - financial figures. The ... companies used, as [...], ... until about the year But then, due to the search for a cheaper and more productive workforce, they turned to the ... Market. Thus, through the management company, a collective labor agreement was signed with the ... market. After the collapse of ... the management company "P" signed a new collective agreement with ..., i.e. the ... union of ... state which was contracted with ... [...], the international trade union organization of workers in the sector ... which is based in wanting - according to the applicant - to gain complete control [...] began to press for negotiations with her, bypassing ..., so that she would now collect the annual contributions of [...] herself. The company did not agree with such a perspective. However, this dispute brought the company into conflict with the ... trade union [...], which, according to the applicant, had very unpleasant consequences for its future course. In particular, the applicant states that ... launched from the beginning of ... a "... merciless war against the company through newspapers controlled by it". As a consequence of this situation, the company's faith in the market was shaken, a catalytic event for its smooth progress in the ... area, as ... carried out through its members massive and simultaneous [...] approximately ... of the company [...] and furthermore methodized - as stated by the applicant - through the press the enormous visibility of all these events resulting [...]. The above had the effect of drastically reducing the company's revenues, which could not cover its debts to its creditors and was eventually led to

bankruptcy. In the context of the above-mentioned attack, there were publications of ... newspaper "...", as well as "...", for which the applicant states that they affected both as personally as the creditworthiness of his company, which reported that he allegedly had [...], while the reports on his person included 21 designations such as '[...]' etc. As a consequence of the above, the appellant filed: i) against the company ... which publishes the newspaper ... and its editor D with general filing number ... and with petition filing number ... Action before the Multi-Member Court of First Instance ... and ii) against the company ... which publishes the newspaper of ... and its editors B and C with the general filing number ... and with the filing number of the pleading ... Proceedings before the Multi-member Court of First Instance ... and iii) filed with the Misdemeanor Prosecutor's Office ... the under no. ... lawsuit - summons against the aforementioned natural persons with the charges of moral complicity in the commission of defamation and perjury. The demands of the lawsuits mainly concerned the payment of compensation as monetary satisfaction for the moral damage he had suffered and the prohibition of similar defamatory publications from now on. The decisions of the Multi-member Court of First Instance numbered ... and ... were issued on the above lawsuits - which the appellant had already attached to the initial complaint he submitted to the Authority and resubmitted as attachments to his memorandum - the first against ... and the second against ... , which, as he points out, vindicated him as: a) They accepted that the publications in question are defamatory and brutally insult his personality. b) They obliged the defendants to omit any insult to his personality by similar publications. c) They set for any possible violation of the above obligations the amount of Euro against each defendant and personal detention [...] . d) They awarded total compensation amounting to Euros. Next, the appellant cites verbatim excerpts from the above-mentioned decisions of the Multi-member Court of First Instance.... In particular, from the decision ... it cites a passage from f. ... and f. ..., while from the decision ... it quotes a passage from f. ..., f. ... and f. ... (the content of said passages is explained below in the rationale of the present). The appellant also mentions in his memorandum that ... never filed an appeal against the number ... of the first instance court, as can be seen from the ... Certificate of Non-Filing of Regular or Extraordinary Remedies (attached to his memorandum), while ... filed it under general number of filing ... and with filing number of petition ... appeal. Subsequently, by virtue of the Private Out-of-Court Settlement Agreement signed between himself and the company ..., B and C (which is also 22 attached to his memorandum), the defendants acknowledged that the publications in question were offensive to his personality and declared that they will waive the writ of appeal, as well as that they will refrain from similar publications that insult his honor and reputation, while they paid him part of the awarded amount. Furthermore, the appellant states in his memorandum that: i) The above-mentioned links 1, 2,

3, 4 and 16 essentially reproduce newspaper articles ... which have been evaluated as defamatory based on the relevant decisions. Furthermore, the relevant articles in links 1-4 have been published before ..., contain untrue and out-of-date news and any retention of them on the Google website is contrary to the criteria set by the Article 29 Working Party of Directive 95/46/EC (see also the relevant reference to the Google memorandum above), as he is not a public figure, he is retired and has been inactive professionally for many years. Accordingly, the article referred to in link 16, although published ... years ago, refers to an era for which more than ... years have passed. ii) The above-mentioned links 5, 6 and 7 contain untrue reports in the form of confirmed fact, which, however, has never been proven by a court order or by any other appropriate means. Furthermore, the relevant articles have been published either on ... or earlier, contain untrue news and any retention of them on the Google website conflicts with the criteria set by the Article 29 Working Party of Directive 95/46/EC, as it is not a public figure, has been retired and professionally inactive for many years. iii) The above-mentioned link 9 refers to an article published on ..., refers to [...] and may contain true references which, however, do not concern the applicant, since [...], which were exclusively and only responsible for [...]. Consequently, any connection of his name and retention on the Google website in the relevant publications conflicts with the criteria set by the Article 29 Working Party of Directive 95/46/EC, as he is not a public figure, retired and professionally inactive here and many years. Accordingly, 23 also apply to the above-mentioned link 18, which refers to an article published on ..., refers to [...] and may contain true references which, however, do not concern the applicant for the reasons stated above. iv) The above-mentioned link 10 attempts to connect his name with [...] and contains clear insinuations that he is involved in a way that is not specified in [...] which is completely untrue and defamatory of his person. v) The above-mentioned link 11 essentially reproduces publications of the newspaper ... which concern - according to the appellant's claims - sensitive personal data and, therefore, should be deleted. vi) The above-mentioned link 12 refers to facts that have been decided by the relevant court decisions and, moreover, the relevant article refers to the year ..., so their retention on the Google website conflicts with the criteria set by the Working Group of Article 29 of Directive 95/46/EC, as he is not a public figure, he is retired and professionally inactive for many years. vii) The aforementioned links 13, 14 and 15 refer to publications which have been deemed defamatory by the relevant court decisions and, therefore, must be deleted immediately. viii) The above mentioned link 17 refers to an article which presents personal opinions of its author as confirmed facts without providing any legal documentation. Consequently, the relevant article conflicts with the criteria set by the Article 29 Working Party of Directive 95/46/EC, as the data is not accurate and has no legal documentation. ix) The above-mentioned link 19

refers to ... which presents A [...]. Links 20-23 also refer to the same. The relevant ... has been withdrawn upon communication [...] and the relevant links serve no purpose, according to the applicant. Furthermore, all legal proceedings have been initiated against [...], i.e. the action has been filed with general filing number ... and pleading filing number ... before the Multi-Member Court of First Instance [...] against E, F, Z and H, trialable of which the ... has been set, with which the appellant requests that the defendants stop the 24 insult to his personality and that monetary satisfaction be awarded ... Euro.

x) The above-mentioned links 25-36 do not refer to defamatory publications, however they are inaccurate and misleading, as they present the applicant as [...], which is no longer the case, as he is retired from ... and professionally inactive here and many years, while they aim to connect him with [...] which, although they are legal, have been connected in Greece with [...]. Furthermore, the relevant links refer to reports that fall against many of the criteria set by the Article 29 Working Party of Directive 95/46/EC: in particular, they do not concern a public figure and are not confirmed and up-to-date. Therefore, they must be deleted immediately. It is also noted that, both in his memorandum and in his initial complaint, the appellant also mentions the link: [link] (hereinafter, link no. 37), for which he states in his memorandum that he intends to defame him, as , although his name is mentioned in the title, when someone "opens" the relevant link there is no reference or connection to him, much less any legal documentation about how he is connected to the title of the article. Therefore, according to the applicant, the said link should be deleted immediately. It is noted, however, that the evidence in the case file does not show that the applicant asked Google to remove this link. The applicant also states in his pleading that Google chose either to fail to respond within the 15-day deadline or to respond in the negative and without legally substantiating her answers. Furthermore, the applicant states in his memorandum that from the established practice of the Greek Courts it becomes clear that informing the general public, whether it is carried out in print or electronically, cannot infringe the fundamental individual Right to personality and any related expression thereof nor exceed the limits imposed by good faith or morals or the social or economic purpose of the right. Furthermore, the same practice of balancing the conflicting interests is followed by the European Legislation as well as the Jurisprudence of the 25 European Courts, as an attempt is made to balance the protection of personal data on the one hand and the information of the public on the other, which is only imposed in limiting cases, when it comes to a public figure who plays an important role in public life. The applicant also makes specific reference to Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, stating that this regulation attempts to create a stricter framework for the protection of personal data , as well as that it defines a series

of rights, including the right to erasure or the right to be forgotten (art. 17 of the regulation), the content of which is recorded by the appellant in his pleadings by noting that, according to the article this, it becomes clear that the natural person, as the subject of the data, is given the possibility to exercise the relevant right and request the deletion of the data concerning him when at least one of the cases listed in the said article occurs concurrently, while the controller must delete the data without undue delay. In addition, the applicant in his pleading also refers, as did Google, to the decision of the CJEU dated 13 May 2014 (C-131/12), stating, among other things, that the Court considered, in essence, that in order to the rights of access and opposition guaranteed in Article 12, point b', and in Article 14, first paragraph, point a', of Directive 95/46/EC are protected, and if the conditions set out therein are met, the search engine is obliged, under certain conditions, to remove from the list of results, which appears after a search carried out on the basis of a person's name, links to websites published by third parties that contain information related to that person. The Court clarified that such an obligation may also exist in the case in which this name or this information has not been deleted previously or at the same time from the above websites, and this obligation applies even when as such the publication of the disputed information on the the websites in question are legal (the applicant refers in this regard to paragraph 88, point 3 of the operative part). The applicant also states that, first of all, the Court held that even initially lawful processing of inaccurate data may, over time, become contrary to Directive 95/46/EC if the data in question ceases to be necessary for the purposes for which they were collected or processed, in particular when the data are inappropriate, are not or have ceased to be relevant to the issue at hand or are excessive in relation to the above purposes or the time that has passed (consideration 93). The applicant also states that, according to the Court, when, for special reasons, such as the role played by the subject in question in public life, it follows that interference with his fundamental rights is justified by the public's overriding interest in accessing the information in question as a consequence of its appearance in the above-mentioned list, then the finding that the subject's rights prevail not only over the financial interest of the search engine but also over the interest of the public to obtain this information in the search context based on his name is not valid (paragraph 97, point 4 of the regulations). In conclusion, the appellant, after referring to the Authority's decisions no. 82/2016, 83/2016 and 84/2016, states in terms of weighing the conflicting rights that: i) The links in question refer to inaccurate information or are linked to information that is slanderous, defamatory, that constitutes hate speech, and the data reflects a personal opinion and not a confirmed fact, ii) the information they report concerns incidents that took place more than ... years ago, iii) the release of the data has a disproportionately negative impact on his private life, as it affects his reputation and

credibility vis-à-vis his social environment, iv) the data referred to in the above links are no longer necessary in relation to the purposes for which they were collected or otherwise processed, v) is no longer a public figure or plays any role in public life, since he is retired and has been for many years years inactive professional, vi) even if some facts are assumed to be true, his position in public life, the nature and necessity of the information, the purpose and motives of the journalistic investigation as well as the extent of the offense should be taken into account, as the dissemination of even true defamatory facts remains illegal if the manner in which it was manifested or the circumstances in which the conduct took place indicates an intent to insult, vii) in any case, a person's criminal convictions are sensitive personal data for the reason that it is necessary to ensure that the person will be able to continue his life, without being forever burdened with the stigma of his past misdeeds, and any reasons of public interest are ensured by the institution of keeping a criminal record. In addition, the collection and dissemination of data related to criminal convictions, without a strong public interest in their publication, constitutes illegal processing of sensitive personal data, according to Article 7 of Law 2472/1997, viii) a pensioner is obviously not a person of current affairs that interest the public. Furthermore, [...] facing a ..., his ... or even his [...] for criminal offenses [...] is a common occurrence. And the announcement of facts, such as [...], is certainly justified in order for those intending to do business with him to be informed. But for this reason, the legislator foresees special ways of publicity, e.g. registration in the public books. The necessity of publication is more pressing and the public's interest in information is stronger when the news is recent. Company P [...] during the middle of the decade of ... and, therefore, the passage of time must be taken into account in the judgment of whether the public has a legitimate interest to be informed about it, because otherwise a ... accident or ... business activities of a particular period of the businessman's life projected by the press continuously and forever would condemn him to lifelong stigmatization and annihilation. The gross insult to the honor of an entrepreneur in the industry ... caused by allegations such as, for example, that [...], creates a corresponding obligation to thoroughly investigate and cross-check their correctness before externalizing them, ix) a publication interspersed with derogatory and ironic characterizations such as e.g. '[...]' etc., which are presented in such a way as to attract the attention of the reader and to be imprinted in his memory, obviously goes beyond what is necessary to inform the public and constitutes a personal attack. The Authority, after examining all the elements of the file as well as the oral arguments developed during the hearing on 13-03-2019, after hearing the rapporteur and the clarifications of the assistant rapporteur, who then left before the conference and making a decision, after thorough discussion, CONSIDERED ACCORDING TO THE LAW 1. This particular case concerns

a request by a natural person to Google LLC (hereinafter, Google) in order to remove from the list of results displayed after a search - through the service "engine search" provided by the company - carried out on the basis of his name, links to websites published by third parties containing information related to him. First of all, regarding the application of Greek law, it is noted that before 25-5-2018, when Directive 95/46/EC was in force, which has been incorporated into Greek law with Law 2472/1997, the Authority had the authority to examine relevant appeals (see, for example, the Authority's decision 82/2016). Regulation (EU) 2016/679 (General Data Protection Regulation -hereinafter, GDPR), when Directive 95/46/EC was repealed. After this date of commencement of the application of the GDPR, Google informed the Authority with its document No. C/EIS/10060/14-12-2018 that, although Google Ireland will be the main establishment of the data controller in the EU, since it has facilities in more than one Member State, the procedure for examining complaints concerning cases of deletion of search results - in the context of the implementation of the CJEU decision of C-131/12, as described below - does not differ at all in relation to with the pre-existing situation, i.e. if the reported processing significantly affects data subjects in a member state, then the relevant supervisory authority is responsible for examining the complaint. Besides, the Authority, for the examination of the case in question, had already initiated the appropriate procedures provided for in the framework of the cooperation mechanism of the GDPR in order to proceed with this examination, informing the Irish Supervisory Authority about it, receiving from the said Authority a reply that the Greek Authority is responsible, according to art. 56 par. 2 of the GDPR, to examine the case in question. 2. The CJEU judgment of 13.05.2014 for Google Spain SL & Google Inc v Agencia Espanola De Proteccion De Datos & Mario Costeja Gonzalez C-131/12 recognized the right of the individual (natural person) to ask search engines to remove from the list of results that appears following a search carried out on the basis of his name, links to websites published by third parties that contain information related to this person, when this processing is incompatible with the requirements of Directive 95/46/EC (which , as mentioned above, has now been replaced by the GDPR). According to decision 29 (order 3): "Articles 12, point b' and 14, first paragraph, point a', of Directive 95/46 have the meaning that, in order to protect the rights provided for by these provisions and since the conditions laid down by them are indeed met, the operator of the search engine is obliged to remove from the list of results, which appears after a search carried out on the basis of a person's name, links to websites published by third parties that contain information related to that person , and in the event that this name or this information has not been deleted previously or at the same time from the above websites, this obligation applies even when the publication of the information in question on the said websites is legal as such". It is noted that Article 12 point b of

Directive 95/46/EC refers to the right of the data subject to request from the controller, as the case may be, the correction, deletion or blocking of data whose processing is not in accordance with the provisions of the directive, in particular due to the incomplete or inaccurate nature of the data. The corresponding rights are also mentioned in the GDPR and in particular in its Section 3 ("Correction and deletion") - see No. 16 (right of correction²), art. 17 (right of erasure³) and art. 18 (right to restrict processing⁴). Furthermore, in art. 14, first paragraph, item a' refers to the data subject's right to object, for which the GDPR provides the right to object to ² According to art. 16 of the GDPR, "The data subject has the right to demand from the controller without undue delay the correction of inaccurate personal data concerning him. Bearing in mind the purposes of the processing, the data subject has the right to request the completion of incomplete personal data, including through a supplementary statement. ³ According to art. 17 para. 1 of the GDPR, the data subject has the right to request from the controller the deletion of personal data concerning him without undue delay and the controller is obliged to delete personal data without undue delay, if one of the reasons listed in said article (see in particular "a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (...), c) the data subject objects to the processing in accordance with Article 21 paragraph 1 and there are no compelling and legitimate grounds for the processing or the data subject objects to the processing in accordance with Article 21 paragraph 2, d) the personal data were processed unlawfully, (...)). In par. 3 of the same article it is defined that "paragraphs 1 and 2 do not apply to the extent that the processing is necessary: a) for the exercise of the right to freedom of expression and the right to information (...)" ⁴ According to art. 18 of the GDPR, the data subject has the right to obtain from the controller the limitation of the processing, when one of the conditions mentioned in this article 30 par. 21 par. 1 thereof⁵. b. With that decision, it was held that the operations of a search engine (in this case, Google Search of the company Google LLC⁶), which displays search results in response to requests from Internet users to search for information about a person based on his name, constitutes processing of personal data data, in the sense of article 2 par. b) of Directive 95/46/EC (for the GDPR, see respectively Article 4 item 2) and the operator of the search engine (in this case, Google LLC – formerly Google Inc.) is characterized as a data controller in the sense of article 2 par. d' of Directive 95/46/EC (for the GDPR, see respectively article 4 item 7). This decision applies to the activity of a search engine as a content provider, which consists of locating information published or posted on the Internet by third parties, automatically indexing it, temporarily storing it and finally making it available to Internet users in a certain order preference, when said information includes personal data. According to the said decision, "Taking into account the purpose of

this directive 95/46/EC and the letter of article 4, paragraph 1, point a", it must be accepted that the processing of personal data carried out for the needs of machine service search, such as Google Search, which is operated by a company based in a third country but has an establishment in a certain Member State, is carried out "within the scope of the activities" of the establishment in question, as long as its purpose is to promote and sell, within the of the above-mentioned Member State, of the advertising space available within the search engine and which aims at the economic exploitation of the service provided with said engine" (paragraph 55, see also operative part 2), and, therefore, for the due to the processing of personal data, Directive 95/46/EC applies. c. According to CJEU decision C-131/12, the legal basis for the processing is the 5 In no. 21 paragraph 1 of the GDPR states that "the data subject has the right to object, at any time and for reasons related to his particular situation, to the processing of personal data concerning him, which is based on Article 6 paragraph 1 point e) or f), including profiling based on those provisions. The controller no longer processes the personal data, unless the controller demonstrates compelling and legitimate reasons for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or support of legal claims claims". 6 The then name of which, as mentioned in the decision in question, was Google Inc. 31 article 7 par. f) of Directive 95/46/EC (for the GDPR, see respectively article 6 par. 1 letter f), i.e. the necessity to serve the legitimate interest of the data controller or third parties to whom the data is disclosed, after by balancing the right to privacy and the public's right to information and access to that information. According to the decision (clause 4): "...Given that the data subject can, based on his fundamental rights under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, request that the disputed information cease to be placed on available to the general public due to its appearance in the aforementioned list of results, these rights in principle prevail not only the financial interest of the operator of the search engine, but also the interest of the public to gain access to this information in the search context based on the name of the subject in question. However, this does not apply when, for special reasons, such as the role played by the subject in question in public life, it appears that the interference with the fundamental rights of the subject is justified by the overriding interest of the public in accessing the information in question as a result of its appearance in the aforementioned list'. In practice, however, as stated in the Guidelines issued by the Working Group of Article 29 of Directive 95/46/EC on the implementation of the Google Spain decision (WP Opinion 225, 26-11-2014),⁷ the impact of deletion in terms of the individual rights of freedom of expression and access to information will be very limited, since, when assessing the relevant incidents, data protection authorities should systematically take into account the public's interest in access to

information and, if this overrides the rights of the data subject, such deletion will not be appropriate. As noted in this regard, the fundamental right of freedom of expression, in the sense of "freedom to receive and impart information and ideas" in Article 11 of the EU Charter of Fundamental Rights must be taken into account when assessing data subjects' requests. d. It should be noted that the subjects are not obliged by the Court's decision to exercise their rights towards the original website where https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2014/wp225_en.pdf 32 there is the post so that they can then exercise them against the search engines. The processing carried out as part of the search engine activity must be distinguished from that carried out by website publishers. In the event that a specific search result is deleted from the list of results, the content is still available on the original website and possibly accessible through search engines using other search terms (as long as the administrator of this website is not informed and does not proceed with the relevant deletion) . e. The Article 29 Working Party, in Opinion WP 225, 26-11-2014, formulated a list of common assessment criteria for the handling by the European data protection authorities of the relevant appeals submitted to their national offices after the refusal of erasure/ removal of link/s from search engines. This list of common assessment criteria constitutes the framework that National Data Protection Authorities apply during their decision-making processes, but which they can jointly enrich by making use of the experience they will gain over time. The common evaluation criteria are the following: i. Does the search result refer to a natural person, i.e. a person? And the search result is displayed based on the name of the data subject? ii. Does the data subject play a role in public life? Is he a public figure? iii. Is the data subject a minor? iv. Is the data accurate? v. Is the data relevant and not more than needed? vi. Do they relate to the subject's professional life? vii. Does the search result link to information allegedly constituting hate speech/slander/defamation or similar expression offenses against the applicant? viii. Does the data reflect personal opinion or does it appear to be confirmed fact? ix. Is it sensitive personal data? 33 x. Is the data up to date? Is the data available for a longer period of time than is necessary for the intended purpose? xi. Does the disclosure of the data have a disproportionate negative impact on the privacy of the data subject? xii. Does the search result link to information that puts the data subject at risk? xiii. What are the general circumstances under which the data was published? Was this data made public by the subject himself? Could there be a reasonable expectation from the subject that the data would be made public? xiv. Has the original text been published for journalistic purposes? xv. Does the publisher of the data have the legal power or legal obligation to make the data publicly available? xvi. Does the data relate to a criminal offence? According to the above Opinion/Guidelines, these criteria should be applied in accordance with the relevant national legislation

and no single criterion is decisive in itself. Corresponding evaluation criteria have also been developed by some data protection authorities, such as the English Authority (I.C.O.).⁸ 3. In search of a fair balance between fundamental rights and interests and applying, in the present case, the above-mentioned common criteria that have been formulated at the European level (WP 225 Opinion, 26-11-2014), the justification or otherwise of the negative response of the company Google LLC, operator of the Google search engine, must be considered. 4. In this regard, the Authority has also issued resolutions No. 82/2016, 83/2016 and 74/2018⁹. Specifically: a) In decision No. 82/2016, the Authority ruled that the negative response given by Google to the applicant's request to remove specific links was legally justified based on the above legal evaluation criteria, taking into account that, in case by case, the applicant must be understood as a public figure or a person with an important role in public life, ⁸ <https://ico.org.uk/for-organisations/search-result-delisting-criteria/> ⁹ Decision 84/2016 of The authority mentioned by the appellant in his memorandum, although it also concerns a request to delete from the list of results displayed by the Google search engine, links to websites published by third parties, is related to a request of a completely different nature than the present one. ³⁴ for which the public interest is great, that the disputed information was up-to-date and related to his professional activity of public interest, as well as that their inaccuracy was not proven. b) On the contrary, in decision No. 83/2016, the Authority ruled that the applicant's request to Google must be granted, taking into account that the applicant - although it can be considered due to his profession that he is a person who has a role in public life - he is not a public figure, of the nature of the disputed information and its sensitive nature, as well as the proven - as described in the said decision - its inaccuracy and the harm to the subject. Also, in decision No. 74/2018, the Authority ruled that the applicant's request to Google must be granted, taking into account that the applicant does not play a role in the public life of the place nor is she a public figure, the disputed data do not concerned her professional life, while the link in question had a disproportionate adverse impact on the applicant and a more general negative impact which is aggravated by the easy access of the public to the data in question by just typing in her name – and this despite the fact that the publication of the of disputed data on the original website, as well as maintaining the publication, was legal and served the public purpose of transparency. 5. It should be noted that each search engine service provider, such as Google, is not obliged to review the content of the websites for which the relevant links are processed by the service from the outset, but only after a relevant erasure request has been submitted to it¹⁰. However, once such a request is made to the body – which request should document the reasons why it is being made – the body should consider it by balancing the right to privacy against the public's right to information and his access to this

information, that is, taking into account the legislation on the protection of personal data¹¹. Moreover, according to 10

Specifically, in Opinion WP 225 of the Article 29 Working Group it is stated: "The ruling does not oblige search engines to permanently carry out that assessment in relation to all the information they process, but only when they have to respond to data subjects' requests for the exercise of their rights".¹¹ In Opinion WP 225 of the Article 29 Working Group it is stated: "(...) search engines must follow national data protection laws with regard to the requirements for making a request and for the timeframes and contents of the answers", as well as: "In order for the search engine to be able to make the required assessment of all the circumstances of the case, data subjects must sufficiently explain the reasons why they request de-listing, identify the specific URLs and indicate whether they fulfill a role in public life, or not".³⁵ above-mentioned CJEU decision C-131/12, this obligation applies even when the publication as such is legal. 6. For this particular case, it should first be accepted that the applicant, although he is not a public figure¹², can be considered, due to his professional activity, to be a person who has a role in public life. As he mentions, there was [...] with rapid development in the area [...], with the possibility of management [...]. Moreover, as explained in the aforementioned Opinion WP 225 of the Article 29 Working Party, the criterion of playing a role in public life is broader than that of "public figure", and businessmen are usually included in this category, in the sense that there is public interest in seeking information about their activities¹³.

6. Regarding the accuracy of the data, it is pointed out that, according to the data in the case file, some of the information contained in websites to which the disputed web links refer are inaccurate. This follows from the aforementioned court decisions, as explained below. Therefore, this information creates an inaccurate or even misleading impression on the applicant. It must also be accepted that the appearance of web pages with this information, following a search on the Google search engine based on the applicant's name, significantly facilitates access to the inaccurate information in question and plays a decisive role in the dissemination of this information, thus constituting serious interference with the applicant's right to private life. The information which is also recognized by Google in its memorandum as inaccurate based on the relevant judicial decisions and concerns, as mentioned above, the following: (a) That the applicant [...], (b) That the applicant [...], (c)) That [...], and (d) That there is any connection and/or parallelism of responsibilities between the applicant and [...]. It is also pointed out that the full passages of the said 12

In relation to the characterization of a public person, it is noted that "as public persons are meant the persons who hold a public position and/or use public money or even all those who play a role in public life, such as in politics, the economy, the arts, the social sector, sports or any other field." (see also Resolution 1165 (1998) of the Parliamentary Assembly of the

Council of Europe). 13 In particular, in said Opinion it is mentioned, regarding the relevant criterion: "It is not possible to establish with certainty the type of role in public life an individual must have to justify public access to information about them via a search result. However, by way of illustration, politicians, senior public officials, business-people and members of the (regulated) professions can usually be considered to fulfill a role in public life. There is an argument in favor of the public being able to search for information relevant to their public roles and activities". 36 decisions which the appellant cites in his memorandum concern exactly the above: specifically, from the decision ... he cites a passage from f. ... and f. and Google above acknowledges in its memorandum that the decision considered the relevant publications as untrue and as having the purpose of defaming the applicant), while from the decision ... it quotes an excerpt from f. ..., f. ... and f. ... (the excerpt concerns the issues under items b', c' and d' for which Google above also acknowledges in its memorandum that the decision considered the relevant publications as untrue and as having the purpose of defaming the applicant). The links which refer to websites which contain inaccurate information, according to the above, are: 7 (association of the applicant and [...]), 15 (reference is made to the aforementioned newspaper article with [...], despite the fact that the website in question contains other information whose accuracy has not been refuted, as well as 10 (cited [...] at the beginning of the text, despite the fact that the website in question contains other information whose accuracy has not been refuted) However, for the other information contained in the remaining websites, it does not appear that their inaccuracy has been proven. In particular: i) For the information that Google records in its memorandum as accurate based on the above-mentioned court decisions (see the under item a' – in the cases listed above as accurate, based on court decisions) the inaccuracy is not substantiated by the applicant of these: the applicant makes a general reference to the court decisions without describing how they decided the issues in question (since the excerpts from them he cites do not relate to the information that Google cites in its pleading as accurate). Google, as described in the present history, refers to specific parts of these decisions to support its claims. ii) For the information which was not the subject of the decisions in question – such as the information about [...] – the inaccuracy of these is also not substantiated. Furthermore, a set of websites (which fall under category G, as 37 described by the applicant in his initial appeal), which appear as results from the search engine and in which the applicant's participation is described [...], provide accurate information such as the applicant himself states. Besides, some of these links are purely journalistic (see links no. 34 and 36), in which case the publication was made for journalistic purposes. In addition, in addition to the fact that the inaccuracy of this information is not demonstrated, the role of the applicant in public life should also be taken into account

(see above Reason 5), that the information in question concerns exclusively his professional activity, as well as the the fact that he was professionally active until ... years ago, after he retired on Therefore, although many of the mentioned information dates from about ... years earlier, taking into account all the above elements, it must be accepted that the information in question cannot be characterized as out of date, without interest for public opinion. 7. The applicant states that the content of many of the websites at issue – including websites whose information is either accurate based on court decisions or has not been proven to be inaccurate – constitutes either hate speech or libel and/or defamation. As regards these allegations, which are put forward by the applicant to establish the request to remove the links to these websites from the Google search engine, the Authority cannot be called upon to review Google's refusal to satisfy the relevant requests (see .the aforementioned Article 29 Group Opinion, WP 225, 26-11-2014, Part II, criterion 5b). The appellant's claims that the disputed publications are defamatory or slanderous can be judged by the competent courts, but not by the Authority (see also the Authority's decision no. 43/2007, sc. 4, as well as decision 63/2010, s. 16 with reference to the decision No. 422/24.04...). In any case, the applicant can, if he has specific information about the potentially disputed accuracy of the information listed or if it is recognized by a court (such as, for example, in the case of ... described above, for which a legal dispute is ongoing), he can submit a new request to the company for the deletion of the same links due to a violation of the law on personal data. 8. With regard to the link numbered above as 37, i.e. [link] 38 which is mentioned in the original appeal and in the memorandum but it does not appear that a relevant request was submitted to Google, it is noted that the content of the relevant website is not related to applicant and, consequently, the appearance of this link following a search on the relevant Google search engine with the applicant's name as a search criterion conflicts with the fundamental principles of personal data protection, since the website data is clearly non-personal related to the applicant.

9. According to the GDPR, and in particular in art. 12 par. 3 thereof, "the person in charge processing provides the data subject with information about the action that is carried out on request under Articles 15 to 22 without delay and in any case within one month of receipt of the request. The deadline in question may be extended by two more months, if necessary, taking into account it request complexity and number of requests. The controller

informs the data subject of said extension within one month of receipt of the request, as well as the reasons for the delay". In this case, from the elements of the case file, it appears that in one case – specifically, at no. ... request - Google's response to the complainant was sent after the more than thirty (30) days have passed since his request¹⁴ (the request in question submitted on ... and Google's response sent on ...). Therefore, despite the fact that there were various requests of the applicant to Google, with a multitude of links to delete in each of them (as described in its history present), Google would have to comply with the above requirement of art. 13 of GDPR – i.e. to respond to the applicant within this period, or directly on his requests or explaining the reasons why he may need it more time to process them.

10. Based on the aforementioned, and after weighing the conflicting parties relevant rights and interests as explained in the reasoning herein, and considering that the nos. 9, 13, 17, 23 and 29 links have already been removed by Google, it must be accepted that the applicant's request to the company Google LLC, as controller, to remove links must

¹⁴ The applicant mentions in his memorandum that Google did not respond in some cases fifteen (15) days from his request. From May 25, 2018, when the GDPR comes into force, the period of time within which the controller must respond is thirty (30) days.

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satisfied as regards links 7, 10 and 15 as well as link 37.

FOR THOSE REASONS

The Personal Data Protection Authority,

1) It is decided unanimously that the response of Google Inc. to the present request

of the applicant A is not legally justified for the cases of links 7,
10 and 15, based on the legal evaluation criteria mentioned in its reasoning
present.

2) Gives an order, pursuant to the provision of article 58 par. 2 c of Regulation (EU)
2016/679 to the company Google LLC, as controller, to proceed immediately to
removal of the above mentioned links as well as the numbered link
above as 37.

3) Addresses based on art. 58 par. 2 b' of Regulation (EU) 2016/679 reprimand to
GOOGLE LLC for the above-mentioned violation of the provisions of art. 12 of
regulation (EU) 2016/679.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou