Decision

2020-03-10

Diary no

DI-2018-9274

1 (31)

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 Swedish Data Protection Authority's decision

1. The Swedish Data Protection Authority notes that Google LLC (Google) has not taken measures so that a certain search hit in complaint 2 of the Data Inspectorate previously supervisory decision with diary number 1013-2015 does not appear in searches on the complainant's name using Google's search services which can be done from Sweden during the period from 25 May 2018 to 12 October 2018. Google has through this processed personal data in violation of

Article 9 of the Data Protection Regulation1 by having processed sensitive data personal data consisting of data on ethnicity, religion

1 REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on that

beliefs, mental health and sex life, without having for the treatment a valid exception to the prohibition to treat sensitive personal data.

Article 10 of the Data Protection Regulation by having processed personal data relating to violations of the law consisting of information about prosecution and preliminary investigation without the treatment having been permitted.

Article 17 of the Data Protection Regulation by not unnecessarily delay in addressing the appellant's removal request.

2. The Swedish Data Protection Authority notes that Google has not taken measures so that a certain search hit in complaint 8 of the Data Inspectorate's previous supervisory decision with diary number 1013-2015 does not appear in searches on the appellant's name with using Google's search services which can be done from Sweden during the period 25 May 2018 to 11 June 2018. Google has hereby processed personal data in violation of

Article 10 of the Data Protection Regulation by having processed personal data relating to violations of the law consisting of information about criminal charges and preliminary investigation without the treatment been allowed.

Article 17 of the Data Protection Regulation by not unnecessarily delay in addressing the appellant's removal request.

3. The Danish Data Protection Authority states that Google since 25 May 2018 regularly inform webmasters of websites when the company has taken remove a web address as a result of a removal request. Google processes through this personal data in violation of

Article 5.1 b of the data protection regulation in that the procedure constitutes a personal data processing that is incompatible with the original purpose for which the data was collected.

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

basis for the treatment.

4. The Swedish Data Protection Authority notes that Google since 25 May 2018 in its

Web removal request form informs individuals about and

requires that they agree that Google may inform them

free flow of such data and on the repeal of Directive 95/46/EC (general

data protection regulation).

Webmasters of such URLs are removed from the search results to

following the requests of the individuals. Google processes through this

personal data in violation of

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article 5.1 a in that the procedure is suitable to persuade individuals to

refrain from exercising their right to request removal.

5. The Data Inspection Authority decides with the support of ch. 6. Section 3 of the Data Protection Act2 and

articles 58.2 and 83 of the data protection regulation that Google must pay a

administrative sanction fee of 75,000,000 (seventy-five million) kroner.

6. The Swedish Data Protection Authority orders with the support of Article 58.2 d i

data protection regulation Google that, as far as requests for removal are concerned

of display of search results for searches on individual 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.

stop showing the text “If URLs are removed from our

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

webmasters of the removed URLs” in their web form

for removal requests or provide similar information to

individuals unless it is clear that webmasters are only informed about

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

1 Description of the supervisory matter

1.1 General

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

(1998:204) and the data protection directive3 a supervisory case with diary number

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

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

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

2 The Act (2018:218) with supplementary provisions to the EU's data protection regulation.

3 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.

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

The review took place in the light of the judgment which established that individuals have the right

to have a request for removal granted in some cases4 and

the data protection authorities' guidelines for interpretation of the judgment (WP225-

the guidelines)5 and this right (the right to removal).

In addition to Google's handling of removal requests in general included
the review also included 13 complaints that came to the Data Inspectorate from
individuals who believed that the company wrongly rejected their respective requests
about removal. The review was concluded by decision of 2 May 2017
(the earlier decision). In the decision, the Swedish Data Protection Authority recommended that Google at the latest
on 2 August 2017 take action regarding five of the complaints (no. 2, 4, 5, 8
and 9) in such a way that the specified search results should not be displayed in searches on
the names of the complainants.6 The Swedish Data Protection Authority also made recommendations
on how such requests should be handled. Google appealed the injunction
regarding complaint No. 8. The appeal was rejected on May 2, 2018 in this part
and entered into force on 24 May 2018.7
On 25 May 2018, the data protection regulation began to be applied.
In light of tips from the public that Google had not complied with the decision
and the verdict, the Data Inspectorate found during an inspection on June 8, 2018 that
search results from complaints #2 and #8 were still displayed. Against this background
this supervisory matter was initiated.

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

5 Article 29 Working Group on Data Protection, “Guidelines on the enforcement of the judgment
[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 after 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 judgment of 2 May 2018 in case no. 16590-17.
Datainspektionen appealed the administrative court's judgment in that part
The Swedish Data Protection Authority against, i.e. rescission of the injunction “in so far as purports to remove

search results that may appear in searches of the data subject'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 issue leave to appeal, which was determined by the Supreme Administrative Court's decision on 11 September 2019 in case no. 6887-18.

The supervision has taken place through an exchange of letters. The review concerns how Google has handled the complainants' requests and the Data Inspectorate's orders regarding complaints 2 and 8 in the previous decision. Against the background of what has come to light, the Data Inspectorate has also followed up on certain issues which also were highlighted in the recommendations in the decision. This refers to how Google investigates requests for removal as well as Google's routine of regularly informing webmasters of affected URLs when a request has been granted and Google's information to individuals about this in the Google web form for request for removal.

1.2 The content of previous decisions as far as relevant

1.2.1 Injunction regarding complaints 2 and 8

In the previous decision, the Swedish Data Protection Authority ruled that Google “processes personal data in violation of § 5 a, second paragraph of the Personal Data Act when displayed of search hits after searching the appellant's name in Google's search services regarding the search results referred to in

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complaint 2 (Google no. 0-5877000003906)

[…] [and]

complaint 8 (Google no. 1-8544000003955), the search hit linking to a

article on the website www.sydsvenskan.se.”

The Swedish Data Protection Authority instructed Google to "take measures so that the aforementioned

the search results do not appear in searches on the appellant's name using

Google's search services that can be done from Sweden" and stated that "[t]he actions

must be completed no later than 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 about the appellant i

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

justify the privacy violations that the processing entails. This against

background of the fact that the current discussion thread constitutes an extensive one

survey of the appellant and reports quite comprehensively and at the highest

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

health, sexual preferences, violations of the law (information about 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 Swedish Data Protection Authority limited its review to the search result that leads

to an article published on Sydsvenskan's website with information about crime

which the appellant is alleged to have committed (details of criminal charges and

ongoing preliminary investigation). The Swedish Data Protection Authority assessed that such data

may be considered particularly sensitive to privacy 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 Inspection Authority's assessment and determined the decision.8

1.2.2 Duty to investigate the circumstances of a request

In the previous decision, the Swedish Data Protection Authority stated essentially the following (see pp. 11–14). There are no formal requirements for a request for correction according to the data protection directive or the personal data act. Regarding the handling of a request can, even if the provision in Section 28 of the Personal Data Act is not directly applicable in this case, the preparatory works to 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 want correction to be made. If such a request is made, it should personal data controller urgently investigate the information provided the remarks are justified and, if so, take corrective action as soon as possible. The scope of the investigation may depend on the remarks that it registrants have produced. It should primarily be up to the individual to indicate sufficient information for Google to be able to process his request. Information about which search result is intended with a request should be preferred is identified by specifying the web address of the web page as the search hit 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 web page and it information on the web page in question, it should be Google's responsibility to take action to identify the search hit to which the request refers. The same applies to it individual has mistaken the top-level domain in the web address, for example .se i instead of .com and it is clear from, among other things, the search result which search hit as the individual intends. If Google, despite investigative measures taken,

assesses that it is not possible to identify the search result as the individual

has requested Google to remove or if Google does not accept it individually

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

information about facts, the individual should be informed about this and given

opportunity to supplement their information.

Against this background, the Swedish Data Protection Authority recommended Google to take action

necessary steps to investigate an unclear and incomplete request to

search hits to be removed.

1.2.3 Communication to the webmaster that removal has taken place

In the previous decision, the Data Inspectorate stated essentially the following (s.

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

the webmaster whose website is affected if he has registered with

Google service Webmaster Tools. In the complaints that have been reviewed occur

usually only one or a few names on 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 removal indirectly

involves a processing of personal data.

Against this background, the Swedish Data Protection Authority recommended that Google only

send information to webmasters when it is clear that such information

does not involve a violation of the personal integrity of the data subjects.

2 Justification of decision

2.1 Starting points for the assessment of followed-up complaints

A search engine provider must within the framework of its responsibility, its authority and its possibilities to ensure that the processing of personal data i the business meets the requirements of the data protection rules, because the business in a significant way can affect fundamental rights regarding the privacy and protection of personal data of the persons concerned.9

The peculiarities of a search engine's business10 do not make it exempt the prohibitions and restrictions on the processing of sensitive data and

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

The Swedish Data Protection Authority notes that if a personal data controller has taken receives a request for removal from a data subject, but does not remove the data without undue delay or rejects the request on incorrect grounds, the continued processing takes place in violation of the data protection regulation. When it is the question of search engine services, this calls for prompt handling particularly valid because the dissemination of personal data risks becoming very extensive and an alternative attitude would erode the individual opportunities to make use of their rights and the protection of the personal integrity.

In the previous decision, the Swedish Data Protection Authority has already assessed the outcome of the balance in complaints 2 and 8 and then found that the processing took place in violation

with the Personal Data Act and the Data Protection Directive. Current legislation
(Data Protection Regulation) and the practices that have followed do not
there is reason to make a new assessment in this regard.
In previous inspections, the Swedish Data Protection Authority has identified deficiencies in the handling of
complaints 2 and 8. Shortcomings have existed since the Data Protection Authority's decision won
come into force in each part, or when measures were last to be implemented, which
was before the data protection regulation came into force on 25 May 2018.
The regulation involves enhanced rights for individuals and provides
The Data Inspectorate has significantly more powerful powers. Starting point
for the Data Inspectorate's assessment regarding continued violations is taken
therefore in the date of implementation of the regulation, that is, May 25
2018.

2.2 Follow-up of complaints 2

2.2.1 What has come to light during the processing

The Data Inspectorate found during a control search on 8 June 2018 of complaint 2 that
the search result specified in the decision "is shown as the first search result in the search result
in a search performed on October 10, 2016” (search hit 2) was still displayed at
search on the complainant's name and therefore requested Google to comment.
11 Judgment of the European Court of Justice of 24 September 2019, G.C. et al., C-136/17, paragraphs 43-47.

Google stated in response on June 15, 2018 that the company regarding complaint 2 per
on May 18, 2017 had fixed a certain URL (search hit 1).
The Swedish Data Protection Authority stated in a letter on 9 July 2018 to Google i
mainly the following. From the documents in the previous case it appears that the

search hit described in the reasons for the previous decision was search hit 2.

The URLs in search hit 1 and 2 are identical except that the latter has two

extra character at the end ("p2") which is short for "page two" in one

discussion thread on a forum. The web address in search hit 1 identifies both

the entire discussion thread and its first page. The Swedish Data Protection Authority pointed out that

there may be reason to believe that a request identifying such

web address, which thus both identifies the entire discussion thread and constitutes

its first page, not only includes search hits that lead to the first page but

also to subsequent pages, such as search hit 2. This is especially true if

individuals provide information that speaks in this direction, such as the appellant

may be deemed to have done by in addition to what is stated in

the form make it clear that "the entire thread specified" offends the complainant

privacy (the original request).12 If Google nevertheless did not consider itself

obliged to fix search hit 2, the Swedish Data Protection Authority reminded of the company's

investigation and information obligation in the event of an unclear or incomplete

request.

Google stated the following in its response on August 30, 2018 to the Swedish Data Protection Authority

request to report on whether measures should be taken regarding search hit 2

and how similar situations are handled. Google took action on two

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

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

measures regarding search hit 2, since 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 that it

data subject has given their request”. According to Google, this is supported in WP225-

the guidelines when it is stated there that the registered must "identify the specific

the web addresses".13 The obligation to investigate or inform has not arisen.

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

13 The WP225 guidelines, p. 14 (Datainspektionen's translation).

The complainant contacted the Swedish Data Protection Authority on 9 October 2018 regarding search hit 2 and then received information about the company's approach and the opportunity to make a new request alongside the current examination of it original request, which the appellant did on October 12, 2018 (the new request).

Google stated the following in its response on 25 October 2018 to the Swedish Data Protection Authority request to explain its assessment of the new request. Google fixed search hit 2 on October 12, 2018 due to the fact that the complainant made the new request. Google removed the search result because the content on the web page is largely the same as on the web pages previously taken away and especially since the website does not contain information that the appellant has been freed.

2.2.2 The Data Inspection Authority's assessment

The Swedish Data Protection Authority notes that the original request in complaint 2 covered search hit 2. This because the appellant in a sufficient manner identified it by partly specifying the web address that both identifies the entire discussion thread and its first page (search hit 1) in the web form, partly refer to the entire thread in its complement.

Additionally, a discussion thread must be judged as a whole and cannot which Google has done is judged solely on the basis of the information which

appears on the page that a search hit links to. As Svea Court of Appeal
established, this follows from the fact that for an internet user who is linked to a
page in a discussion thread, it is clear that it does not only include the posts
on that page and that it is not possible based on the posts on one page alone
review the content of the discussion. 14

Because Google has thus not corrected the request, but the search result continued
has been shown until October 12, 2018, when the appellant made a new request
of removal, Google has not acted upon the request without undue delay i
the meaning referred to in Article 17.1 of the Data Protection Regulation. Google has
thereby processed personal data in violation of Article 17 i
data protection regulation.

14 Svea Court of Appeal judgment of 6 October 2017 in case no. FT 494-17, p. 4 with agreement in
the sub-instance's assessment (p. 16 f.).

As can be seen from the previous decision processed at the web address which
the search result leads to sensitive personal data and criminal information about
appellant within the meaning of Articles 9 and 10 i
data protection regulation. During the current period, i.e. the 25
May to October 12, 2018, Google is responsible for the reference to
the URL and in particular for the link to appear in the search result as
presented to Internet users who search for the appellant's name.15 Something
support for processing such data according to the data protection regulation has
did not exist. Google has thus processed personal data in violation of
article 9 and 10 of the data protection regulation.

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

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

the order 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 hits in Complaint 2, which it did for

for example complaints 8 and 9 (see section 1.2.1 above). It is further clear from

the reasons for the decision that search hit 2 was the search hit shown when

the search result was checked during processing and therefore what

The Swedish Data Protection Authority assessed in the decision.16 Google could have easily discovered

this by checking the extent of the request and the search results which

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, that is, after the date specified in the order in the earlier

decision, Google has failed to comply with an order which

Data inspectorate announced with the support 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 come to light during the processing

The Swedish Data Protection Authority found during a control search on 8 June 2018 that the search hit

from complaint no. 8 (search hit 1) was still displayed. The Swedish Data Protection Authority

pointed this out in a letter to Google and referred to the administrative court

15 Judgment of the European Court of Justice of 24 September 2019, G.C. et al., C-136/17, paragraph 46.

16 See the previous decision, p. 23.

judgment of May 2, 2018, which upheld the injunction. It was further pointed out that according to information from the court, the judgment had been served on Google on the same day as it was announced and thus entered into force on 24 May 2018.

Google contacted the Swedish Data Protection Authority on June 11, 2018. Google then stated that the company was only served with the judgment on 23 May 2018 and that it would therefore win take effect on June 14, 2018, and that Google was still considering the ruling would be appealed. The Data Inspectorate then clarified that the Data Inspectorate had checked in particular with the administrative court that the information that the court left about day of service was not a misunderstanding, but reminded Google about the possibility of obtaining a judicial review of whether the judgment has gained legal force. 17

Google stated in a letter on 15 June 2018 that the company on 11 June 2018 decided not to appeal the verdict and therefore that day had remedied search hit 1. In support of the fact that service must have taken place on 23 May 2018 submitted Google a service receipt signed and dated by the company's agent.

In addition, an exchange of letters has taken place regarding a search result with identical content and which leads to the same article as search hit 1 on the same website but with a different web address (search hit 2). According to Google, that search hit existed not when the request to remove search hit 1 was made. However, Google has granted a request to remove search hit 2 on February 13, 2019 after a new request was received from the complainant on February 11, 2019. Google considered that that request could be granted without any new balancing of interests being necessary made because the content of the web page was identical to the web page of search hit 1.

2.3.2 The Data Inspection Authority's assessment

The Swedish Data Protection Authority notes that Google has not addressed the request in

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

25 May 2018 to 11 June 2018. Considering that the Data Inspection

before that in its decision had made it clear that the request would be granted, which

had also 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 cannot be considered to have

dealt with the request without undue delay in the sense referred to in Article 17.1 i

17 File appendix 7 and 10–12.

data protection regulation. Google has thus processed personal data in

contrary to Article 17 of the Data Protection Regulation.

As can be seen from the previous decision processed at the web address which

the search result leads to criminal information about the appellant in the sense referred to in

Article 10 of the Data Protection Regulation. During the current period, that is

say 25 May to 11 June 2018, Google is responsible for the reference to

the web page and in particular for the link to appear in the search result as

presented to Internet users who search for the appellant's name.18 Something

support for processing such data according to the data protection regulation has

did not exist. Google has thus processed personal data in violation of

Article 10 of the Data Protection Regulation.

Furthermore, the Swedish Data Protection Authority finds that Google has not shown that the company has complied

the injunction in the previous decision regarding complaint 8 within that time limit

which was stated in the decision, which through the company's appeal may be considered to have been

when the injunction became final. The Swedish Data Protection Authority notes that this was

on May 24, 2018, which is not changed by the circumstances and the evidence

as Google has invoked. Google has thereby failed to comply

an order issued by the Data Protection Authority based on section 45

the Personal Data Act and the Data Protection Directive.

Regarding search hit 2, the Swedish Data Protection Authority finds that it was not covered

the original request or the Swedish Data Protection Authority's order because it

according to Google's information did not exist when the request was made.

2.4 Communication to webmasters that search hits have been removed

and information about this to individuals

2.4.1 What has come to light during the processing

If Google grants a request for removal, it is Google's practice to

notify the webmaster (that is, someone who subscribes to Google's

service "Search Console" formerly "Webmaster Tools") about which URL

which has been removed and that this was due to a request for

removing.

18 Judgment of the European Court of Justice of 24 September 2019, G.C. et al., C-136/17, paragraph 46.

Google's web form for requesting removal contains the text “[o]m

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

information to the webmasters of the removed URLs”. IN

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

and tick a checkbox that they agree to such treatment.19

Google has stated that 5,690 URLs have been removed following requests

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

The Swedish Data Protection Authority can thereby establish that information has been provided to

webmasters in a large number of cases.

Google has further essentially stated the following. First is

Datainspektionen is not the competent supervisory authority regarding Google's routine to

send such messages. Second, such messages are not

Processing of personal data. Thirdly, such treatment is not in

conflict with the data protection regulation. This is because the messages are in

compliance with the principle of purpose limitation according to Article

5.1.b, because the purpose is to facilitate the right to be forgotten. Furthermore, have

the processing a legal basis, because Google has a legitimate interest

to process the data to extend the impact of the right to be forgotten

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

stakeholder. Fourth, Google is in accordance with the principle of proportionality

obliged to balance the right to be forgotten against speech and

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

proportionate measure and industry practice.

2.4.2 The Data Inspection Authority's assessment

2.4.2.1 The Swedish Data Protection Authority is authorized to supervise the issue

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

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

(Article 55.1 of the Data Protection Regulation). The current treatment is one stage

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

obligation arising from such activities to ensure that the activities

19 File appendix 27.2, pp. 2-3.

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

paragraph 41 and judgment of 24 September 2019, G.C. et al., C-136/17 point 35.

meets the requirements of the data protection regulation.21 Google has in a letter of 12 December 2018 to the data protection authorities indicated that it is Google (it i.e. Google LLC based in the United States) that determines the purposes and the means for that treatment and that this is not affected by them organizational changes that the company made on January 22, 2019.22 They organizational changes referred to are that Google from now on date has a principal place of business in Ireland in respect of parts of its business. A principal place of business shall have the authority to make decisions regarding the purposes and means of the current processing (Article 4.16 and Recital 36). Google has not shown that Google Ireland has such powers in relation to search engine operations. The Swedish Data Protection Authority believes because the single contact point mechanism (Articles 56 and 60) does not is applicable and that Datainspektionen is thus the competent supervisory authority i the case.

2.4.2.2 The messages constitute personal data processing

The Swedish Data Protection Authority 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 concept is given a broad meaning. It includes both objective and subjective information if it "refers" to a specific person, which is the case if they due to their content, purpose or effect are linked to a person. 23 The information that Google has granted a search hit to a certain web address to be removed refers to a person, especially since use of the task

affects the person's rights and interests, for example by being able to

be used to defeat the purpose of the request.24 For it to be a question of

a personal data is not required that the information in 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 shall

assessed based on the aids that can reasonably be used by

someone to identify the person. A person is not considered identifiable if

the risk of that in practice is negligible.25 In the current case the risk is not

21 The judgment of the European Court of Justice of 24 September 2019, G.C. et al., C-136/17 point 43.

22 File appendix 50 appendix 1 and 2.

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

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

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

negligible, as a granted removal request is by definition

attached to a person's name. Identification can thus be made directly about it

there is only one name on the web page to which the search result leads. If there is

several names on the web page, 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 come

is displayed and thus 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 Swedish Data Protection Authority finds that Google has no legal basis for

the processing and that it is also not permitted on the grounds that it would

be compatible with the original purposes for which the data was collected

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

basis for processing contrary to Article 5 and 6 of the Data Protection Regulation.

The reasons for the assessment can be seen from the following.

The messages are not supported by a legal obligation

Google claims that the processing is based on a legal obligation (Art

6.1 c) in accordance with Article 17.2 of the Data Protection Regulation or, as it may be understood,

according to Article 5.4 of the EU platform regulation,26 and that it is also considered

as industry practice according to proposals and recommendations from the Commission.

The Swedish Data Protection Authority finds that the processing is not supported by Article 17.2

the data protection regulation for the following reasons. From the wording it appears that

the provision obliges personal data controllers who have published

the personal data an obligation to take reasonable measures to inform

personal data controllers who then reuse this personal data via

links, copies or reproductions. Such information obligation does not apply

search engine providers when engaging in the activity to which the right

removal applies in relation to, namely locating information which

contains personal data that has been published or posted on the Internet by

third parties, index it automatically, store it temporarily and finally

make it available to Internet users according to a certain

order of priority.27 In addition, it is also not required that search engine providers,

that has received a request to remove a search match, it informs

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

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

and judgment of September 24, 2019, G.C. et al., C-136/17 paragraphs 33 and 35.

third party that published the data on the internet as the search result

refers to. The purpose of the obligation according to Article 17.2 is to place greater

responsibility of the personal data controller for the original publication

which the search result refers to and so that individuals are not forced to produce

multiple deletion requests. The requirements are higher because the one originally

has published the information must grant a request for deletion than because a

search engine provider must grant a request for removal of a search hit

which refers to the original publication of the data. It can

thus finding that the opinion of the Article 29 Group in the WP225 Guidelines,

that messages such as those in the case at hand from search engine providers to

webmasters have no legal basis according to the data protection rules,

is still valid.28

The Swedish Data Protection Authority finds that the processing is not supported in Article 5.4 i

platform regulation for the following reasons. First notes

The Swedish Data Protection Authority that the regulation was adopted on 20 June 2019 and must be applied

only from 12 July 2020 (Article 19) and thus does not yet apply. For it

others, it is clear from the purpose and scope of that regulation that

it shall not affect Union legislation applicable to, inter alia

the area of data protection (Article 1.5). Furthermore, it is stated that the requirements in

the platform regulation should not be seen as an obligation for

a search engine provider to disseminate personal data to its business users

and that any processing of personal data should take place in accordance with

the legal framework of the Union on the protection of natural persons with regard to

processing of personal data and on respect for privacy and protection of

personal data, above all the data protection regulation (reason 35).

As established in the previous paragraph and developed in the following two sections (if
legitimate interest and purpose limitation) speak the circumstances in it
the current case against the processing being permitted or justified
because the display of a search result may be illegal without the original
the publication is. A webmaster's interest in knowing that a search hit
not appearing when searching for a person's name is weak in comparison to those
interests that assert themselves in the cases referred to in the platform regulation
protect (reasons 1-5). Against the same background, the treatment cannot either, such as

28 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
consultation, pp. 4-5, referring to the WP225 Guidelines, paragraph 23.

Google claimed, is considered consistent with established and common practice
industry practice.

The messages are not supported by a legitimate interest

Google asserts that the processing is based on Google's legitimate interest
(Article 6.1 f) of "informing the webmaster, as an important stakeholder,
that a web address linking to the webmaster's web page 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 for him by having the data removed from
the original web page. Furthermore, Google believes that the information does not constitute
particular categories of personal data, are minimized as far as possible and

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

The Danish Data Protection Authority finds that Google's processing is not permitted

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

the conditions according to Article 6.1 f are met, namely the existence of a

legitimate interest of the personal data controller or third party, that

the processing is necessary for the legitimate interest pursued and

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

heavier and requires protection of personal data.30

First, Google has stated that the processing may lead to it

webmaster removes the original data, so what gets

perceived as the webmaster's interest in testing his own potential

obligation to remove the data from the website. The Swedish Data Protection Authority

notes, however, that the interest invoked by Google is hypothetical

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

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

thus not a legitimate interest in the sense of the data protection regulation. 31

The treatment cannot then be considered necessary either. The webmaster's

interests cannot, in a balancing of interests, be considered to weigh more heavily than them

registered fundamental freedoms and rights.

29 File appendix 45, p. 14.

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

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

Google has also invoked the public's legitimate interest in Google

not make incorrect decisions about removal. The Swedish Data Protection Authority notes that Google sends the messages only after Google has already removed one search hit, i.e. after Google has already made the necessary balance in order not to make wrong decisions. It is therefore not an actual interest in the time of treatment. It is thus not a legitimate interest in the meaning of the data protection regulation.32

If what Google has stated regarding incorrect decisions should instead be understood as that the legitimate interest is the public interest in wrong decisions whether removing search hits after the fact should be able to be corrected is The Swedish Data Protection Authority's assessment is that the processing is not necessary. The fact that Google has removed a URL is not sufficient to the webmaster must be able to assess whether the decision is incorrect, then it the webmaster lacks knowledge of what the individual has stated in their request. The Swedish Data Protection Authority 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 (point 23) already expressly dissuaded search engine providers from sending such messages speak against it being allowed in a balance of interests.

Only Google and the individual know that Google has granted one request for removal. By Google releasing the data to third parties this means a more serious violation than if the data had been generally available.33

The disclosure of the data to the webmaster is also done without sufficient protective measures, as Google has not shown that the company can guarantee or has any opportunity to influence that the webmaster does not use the data in an inappropriate manner or that the data is not disclosed to

webmasters in third countries that are not covered by adequate safeguards.

In terms of the individual's legitimate expectations, Google certainly has

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

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

33 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.

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

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

handle the request. It must be taken into account that Google has not informed them

registered that the legal basis for the processing is justified

interest according to Article 6.1 f (Article 13.1 c), of the company or of a third party

legitimate interests that 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

about the individual's right under Article 21.1 to object at any time

processing that is based on legitimate interest and has clearly reported this,

clear and separate from other information (Article 21.4).

Against this background, the processing is not permitted with the support of a legitimate

interest.

The messages are not compatible with the original purposes

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

the original purposes for which the data were collected, i.e. Google's

obligation to remove search results upon request in certain cases (Article 17.1 and 17.3).

According to Google, the purpose of the processing is to “give the webmaster a

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

the breakthrough for the right to be forgotten". Google thus claims that the company

sends these messages with the support of Article 6.4 of the Data Protection Regulation.

The Data Protection Regulation contains criteria for determining whether a treatment

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

originally collected or if the processing is contrary to the principle of

purpose limitation in Article 5.1 b of the data protection regulation (points a–e i

Article 6.4 and Recital 50). Several of the circumstances that are relevant according to

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

therefore only summarized here.

The Swedish Data Protection Authority states that the current processing is neither justified

based on the consent of the data subject or the law of the Union or of the Member States

national law. Furthermore, the Data Inspectorate states in accordance

the criteria in Article 6.4 that the connection between the purposes (point a) is weak,

because as stated in the previous section the possibilities of the registrants 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 changed by the information provided by Google

the treatment in their web form as that information is misleading. To

a request for removal made and granted may itself be deemed to be

personal data of a privacy-sensitive nature (point c). Besides, the fact speaks
that a request for removal has been granted because the underlying
the information on the web page is often such particularly sensitive information or
criminal data referred to in article 9 and 10 of the data protection regulation.
The consequences of the subsequent processing (point d) may as a rule 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 information was published and request that it be removed
and can also be assumed to have a lower chance of success with such
request because the original publication may have a stronger
freedom of expression legal protection.34 In addition, knowledge that the search engine
granted a request is assumed to carry the risk of some webmasters trying
circumvent the removal decision by republishing the data on a
other address or distribute them in any other way. As stated above, Google has
not shown that the company set up any guarantees or safeguards to
counteract this (point e).
Google does not make any assessment of the suitability of sending the messages
the individual case and also does not offer the individual any opportunity to
object. Google's routine in general for handling removal, namely only
based on specific URLs, requiring new requests even when the same
content is republished, entails the risk of individuals being unnecessarily exposed
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 result that the Data Inspectorate
submitted again, but where the same content appeared again in the search results then
the webmaster republished the content on the same website, but on
a new web address. The individuals themselves must monitor and react to any

re-publications in the company's search services. This erodes the effectiveness of

their rights and is thus not in their interest.

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

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

the Advocate General's proposed decision in the case, paragraph 81.

The Swedish Data Protection Authority finds that Google does not have the support of Article 6.4 and that

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

article 5.1 b of the data protection regulation.

2.4.2.4 The information to the individuals violates the principle of openness

Google has stated that the purpose of the information to the individual i

the web form that messages are sent to webmasters is that

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

correctness and openness and that this follows from practice.35

The Swedish Data Protection Authority does not dispute that Google is obliged to inform them

registered about which recipients will have access to their data

according to Article 13.1 e, but notes that the duty to provide information aims to

protect the registered.36 As stated in the previous section, it is

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

stated, Google has provided misleading information to individuals about it

legal basis on which the processing is based. In addition, have

the data protection authorities jointly, and the Data Protection Authority in particular,

previously alerted Google to the flaws with the routine of sending such

messages without Google having fixed this. In addition, Google requires that they

individuals agree to the procedure to be allowed to submit a request for

removing. Against this background, the information appears as Google

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

is considered likely to induce individuals to refrain from exercising their right to request

removing. Through this, Google processes personal data in violation of

the transparency principle in Article 5.1 a of the data protection regulation.

3 Choice of intervention

3.1 Possible intervention measures

The Swedish Data Protection Authority has a number of corrective powers to access according to

article 58.2 a–j of the data protection regulation, among other things to order it

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

judgment of 1 October 2015, Bara et al., C-201/14, paragraph 34.

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

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

the regulation and if required in a specific way and within a specific

period.

From point (i) of Article 58.2 and Article 83.2 of the Data Protection Regulation

it appears that the Data Protection Authority has the authority to impose administrative

penalty charges in accordance with Article 83. Depending on the circumstances i

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. Furthermore, it appears from article

83.2 which factors must be taken into account when deciding on administrative

penalty fees must be imposed and when determining the size of the fee.

If it is a question of a minor violation, the Data Protection Authority receives according to what as set out in Recital 148 of the Data Protection Regulation instead of imposing a penalty fee issue a reprimand according to article 58.2 c. Consideration must be given aggravating and mitigating circumstances in the case, such as that of the violation nature, severity and duration and previous violations of relevance.

3.2 Injunction

The Danish Data Protection Authority has found that Google by regularly sending notice to webmaster that search hits have been removed processing personal data in violation of articles 5.1 b and 6 of the data protection regulation. Furthermore, it has been established that Google provides misleading information about the sending of such messages in a manner contrary to Article 5.1 a i data protection regulation.

Google must therefore be ordered to ensure that the processing in these parts takes place in in accordance with the data protection regulation as follows.

Datainspektionen orders with the support of article 58.2 d i data protection regulation Google that, as far as requests for removal are concerned of display of search results for searches on individual 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.

stop showing the text “If URLs are removed from our

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

webmasters of the removed URLs” in their web form

for removal requests or provide similar information to

individuals unless it is clear that webmasters are only informed about

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

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

3.3.1 What Google has stated

Google has stated that complaints 2 and 8 are isolated

events relating to two individual registrants and are consequences of

acceptable and well-founded interpretations of the applicable law. It can't

be consistent with the intent or overall purpose of

data protection regulation to issue excessive penalty fees for

violations relating to individual material interpretations of current

right with little or no impact on data subjects. In the current case have

no damage at all has been shown with respect to the alleged

the violations. If high sanction levels were to be applied for relatively small ones

violations and isolated events and with little or no impact for

registered, they as tools to ensure compliance would risk that

lose its effect because data controllers would have nothing

incentives to pursue regulatory compliance at a systematic level.

Google claims in summary that the following circumstances must

considered mitigating. It is a question of isolated events, which have been ongoing

for a limited time and concerns a limited number of registrants who do not have

suffered any damage as a result of the alleged violations. Google has

informed the registrants that they can complain to the Data Inspectorate. Google has

was not intentional or negligent and cannot be considered to be principal

or solely responsible. Google complies with the data protection regulation on a

systematic level and acts in accordance with a code of conduct by following

The WP225 Guidelines. Google has cooperated with the Swedish Data Protection Authority. Google

have not gained any financial benefits or avoided losses.

3.3.2 Assessment of the violation regarding complaint 2

In mitigation, the fact that the violation concerns only one speaks

person.

The following circumstances speak in an aggravating direction. The violation is one step

in a systematic procedure because it follows the procedures Google has. Further

are the current categories of data, such as sensitive data and

criminal data, especially sensitive data. If a search result leads to a web page

with such personal data about a person it can have a significant

impact on his fundamental rights regarding respect for

privacy and the protection of personal data and constitute a particularly

serious intervention.37 It would typically result in a damaged reputation,

unauthorized disclosure and significant financial disadvantage to individuals, whereby 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 announced against him.38

Google has not taken sufficient steps to mitigate the damage, but pretended to

the search result remains despite the Swedish Data Protection Authority's previous decision. The violation

has lasted for about 4.5 months during the time that the data protection regulation has been

applicable. Since the procedure followed Google's routines, it is not a question of

a single mistake without the action being intentional. It can too

it is established that Google has failed to comply with the injunction which

The Data Inspection Authority announced in the previous decision with the support of Section 45

the Personal Data Act and the Data Protection Directive to terminate

the treatment. By Google requiring individuals to enter an exact

URL in Google Web Forms and does not investigate requests

covers more than that, the company avoids indirect costs in any case.

3.3.3 Assessment of the violation regarding complaint 8

In mitigating circumstances, the circumstances indicate that the violation only refers to

a person and that the time during which the violation has been going on

the data protection regulation has been applicable, about two weeks, is relatively long

short time.

The following circumstances speak in an aggravating direction. The Swedish Data Protection Authority has

found that Google has failed to comply with the injunction which

the supervisory authority announced in the previous decision with the support of section 45

the Personal Data Act and the Data Protection Directive to terminate

the treatment and which won legal force on May 24, 2018. Google has done

regarding the company's intention to comply with a legally binding

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

38 See file appendix 31, p. 2.

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

at the discretion of the supervisory authority by temporarily restricting

the display of the search result pending court judgment or even when Google

according to his own information, on May 23, 2018, he was served with the judgment that determined

Data inspection assessment. Regarding the current categories of

information, it has concerned criminal information, which is particularly sensitive to privacy.

If a search result leads to a web page with such personal data about one

person, it can have a significant impact on their fundamentals

rights regarding the respect for privacy and the protection of

personal data and constitute an extremely serious intervention.39 It would seem

typically involve damaged reputation, unauthorized disclosure and significant

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

the current case has compared the effect of the violation to that of a professional ban

would have been notified against him.40 Google has not taken sufficient

measures to alleviate the damage, without allowing the search hit to remain despite

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

Google's procedures have been intentional.

3.3.4 Assessment of the violation regarding notification to webmasters and

information to individuals

The following circumstances are aggravating. The offense intended to send

notice is such as to erode 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

the procedure. The misrepresentation offense affects

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

of data, i.e. that someone has requested and been granted removal, may

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

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

to defeat the purpose of the request. The violations thus entail damage i

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

control over their personal data and unauthorized disclosure. The violations

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

the investigation in the case that Google has been aware of the processing and

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

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

40 The previous decision, p. 31.

individual refrains from requesting removal, avoids Google in any case

indirect costs.

3.3.5 Penalty fees shall be imposed

The treatments that this supervision covers regarding complaints 2 and 8 therein

previously the decision has meant that Google processes data that

In previous decisions, the Swedish Data Protection Authority found that Google treated in violation of

the Personal Data Act and the Data Protection Directive and submitted to Google that

cease. It cannot therefore be considered a question of excusable, material

misinterpretations. It also shows a lack of respect for individual rights

and are thus not minor violations in the sense referred to in recital 148 i

data protection regulation. There is therefore no reason to replace one

penalty fee with a reprimand. Any other corrective action is not

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

the violations.

The procedure for sending messages to webmasters and the information

which is left to the individual in the web form is done systematically and risks

to put the right of removal out of play. It is not a question of less

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

reprimand. It is also not enough that Google is ordered to cease

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

also for these violations.

3.4 Determining the amount of the penalty fee

3.4.1 General provisions

According to Article 83.1 of the Data Protection Regulation, each supervisory authority must

ensure that the imposition of administrative penalty charges in each individual

case is effective, proportionate and dissuasive.

The Swedish Data Protection Authority 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 allows the Data Inspectorate to issue a

penalty fee for violations of Article 10 of the Data Protection Regulation and

must then apply article 83.1, 83.2 and 83.3 and determine the size of the fee

with application of Article 83.5.

According to Article 83.3, the administrative sanction fee may not exceed

the amount of the most serious violation if it is one or the same

data processing or connected data processing.

As regards calculation of the amount, Article 83.5 i

data protection regulation that companies that commit violations such as those in question

may be subject to penalty fees of up to twenty million EUR or four

percentage of the total global annual turnover in the previous financial year,

depending on which value is the highest.

3.4.2 The amount to which penalty fees can be determined

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

company, the definition of the term company shall be used as the EU Court of Justice

uses when applying Articles 101 and 102 of the TFEU (see recital

150 of the data protection regulation). It appears from the court's practice that this

covers every entity that carries out economic activity, regardless of the entity's

legal form and the manner of its financing as well as whether the entity i

legal meaning consists of several natural or legal persons.41

The Swedish Data Protection Authority assesses that the turnover of the company to be added

basis for calculating the administrative penalty fees that Google can

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

information was Alphabet's global annual turnover in 2018 approx. 136,819,000,000

American dollars (USD),42 which corresponds to approximately 119,500,000,000 euros

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

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

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

crowns.

41 Article 29 Working Group, Guidelines for the Application and Determination of Administrative

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

42 File appendix 40, p. 47.

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

central bank, 0.8729.

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

central bank, 10.7203.

3.4.3 Determination of the amount of the penalty fee

In order for penalty fees to be effective and dissuasive, according to
Datainspektionen's opinion of the personal data controller's turnover
is taken into account in particular when determining the amount of penalty fees. One
proportionality assessment must also be done in each individual case.

In a proportionality assessment, it must be ensured that the penalty fee
does not become too high in relation to the violations in question. Thereby shall
taken into account that the complaints concern two people and that the routine that regularly
notify webmasters of removal and information to individual subjects
Sweden and in the current case may amount to 5,690 registered. At the same time
penalty fees must be effective and dissuasive.

Overall, the Data Inspection Authority finds that an efficient, proportionate and
dissuasive penalty fee for the established violations regarding
complaints 2 and 8 are 25,000,000 (twenty-five million) kroner and regarding
message to webmasters and misleading information to individuals are
50,000,000 (fifty million) kroner.

Against this background, the Data Inspectorate decides with the support of ch. 6. Section 3
the data protection act and articles 58.2 and 83 of the data protection regulation that
Google must pay an administrative penalty fee of 75,000,000 (seventy five
million) kroner.

This decision has been made by the director general Lena Lindgren Schelin after
presentation by the lawyer Olle Pettersson. At the final processing

also has chief legal officer 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 Attachments

Appendix 1 – How to pay penalty fee

4 How to appeal

If you want to appeal the decision, you must write to the Swedish Data Protection Authority. Enter in

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

The appeal must have been received by the Swedish Data Protection Authority no later than three weeks from

the day you were informed of the decision. The Swedish Data Protection Authority sends the appeal

further to the Administrative Court in Stockholm for examination if the inspection does not

itself changes the decision in the way you have requested.

You can e-mail the appeal to the Swedish Data Protection Authority if it does not contain

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

secrecy. The authority's contact details appear on the first page of the decision.