The Right to be Forgotten: Salvation from the Scars of the Digital Age

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In May 2014, an adjudication from the European Court of Justice brought the concept of the "Right to be Forgotten" into the wide discussion for the first time. In the specific case, a Spanish citizen, whose details of former indebtedness were published by an archived newspaper item, asked Google to remove the link related to his personal information since he had paid his debt subsequently. The ECJ required Google to prevent the link from being found through its search engine. Additionally, this adjudication was extended to all European citizens on the grounds that they have the right to have any "inadequate, irrelevant or no longer relevant, inaccurate, or excessive" (Chadwick, 2018, Para. 3) web links removed from search engine. Currently, the right to be forgotten is only implemented in Europe. However, it should be promoted worldwide, since it can give people a second chance to fix their mistakes, prevent anonymous sharp-tongued criticisms and reduce the harm of the publicity of inaccurate or outdated information.

A Second Chance

According to Tomlinson (as cited in Grierson, 2018), the chairman of a press regulation campaign group, law is designed to "allow for the rehabilitation of offenders" (para. 13) and let them have normal lives. He also emphasizes that many people may engage in misdeeds when they are young. If the misdeeds are widely discussed, they may permanently suffer from negative effects (Grierson, 2018). Additionally, the second chance is offered with conditions. In a case of two businessmen (referred to NT1 and NT2 for legal reasons) who requested the removal of their criminal convictions in England, NT2 was pardoned and NT1 was rejected. The explanation of the judgment is

that NT1 was continuously misleading the public while NT2 had shown his regret (Grierson & Quinn).

Evading Low-consequence Slander

In a world in which people are identified by social media, the right to be forgotten is claiming people's ownership of their identity and giving them the power to fight against the low-consequence slander from anonymous comments on the Internet (Moore, 2018). In an anonymous environment, people may think they have no responsibility for their comments: including defamations, slanders and personal attacks. Such things will cause terrible feeling for the victims that may even lead to suicide. However, with this right, people can avoid the negative side of social media—they can ask the administrator to delete or block the access to any slander born out of nothing.

"Delisting" Rather Than Deleting

Some critics of this right claim that "it will bring the demise of everything from Internet searches to free speech" (Newman, 2015, para. 3). However, in terms of free speech, the European Court of Justice did not create an overwhelming right that threatens other interests to protect privacy. Actually, excepting the strict standard of reviewing process, some other measures have been taken to protect the public interests. During the implementation of this right, the original content is not deleted by approved requests but in a new way which called "delisting" by Google. That means content will not be deleted even from the electronic archive, but those who search the delisted item would not have it retrieved and shown among the links in the search results (Chadwick, 2018). In other words, it just takes us back to a world where we might have to get the privacy-sensitive

information in "basic" ways—search in a city hall or library, rather than instantly searching and downloading them on Google (Newman, 2014).

Heavy Burden or Piece of Cake?

According to Google Transparency Report (2018), there are 708,109 requests for the removal of 2,665,142 links of which it accepted 43.9%. Some may argue that an excessive running cost of search firms will be caused by the processing of these requests since they need to set up a committee to judge whether the request is justified. Although the review of requests does cause trouble for search firms, it does not appear to be a financial or technical burden. Google's stock reached a five-year high in December 2014, when the rule of the right came out. Actually, the primary challenge faced by search firms like Google and DuckDuckGo is the requests ranging from libel and defamation to copyright, which far exceeds the threat of the right to be forgotten (Newman, 2015).

The Globalization of Privacy

The right to be forgotten is limited when it is facing the situation in which data protection is increasingly international. In the contemporary digital world, information always flows cross borders while the right is currently only implemented in Europe. This may negate the right because the offending information is still accessible on other domain name platforms (Newman, 2015). To clarify, even though the requests are approved, links are only removed in European domains, they are still accessible in other domains. Therefore, it considerably necessary to promote this right globally, otherwise, data havens similar to tax havens will emerge in the foreseeable future.

In conclusion, we are living in an age which we are identified by social media, digital records and search engines. The right to be forgotten is the salvation which

releases us from the digital chains and remedies our scars of the imperfect past. Just as professor Peltz-Steele (2014) mentioned, “A person convicted of a crime deserves a chance at rehabilitation: to get a job or a loan. A person wrongly charged or convicted deserves even more freedom from search-engine shackles” (para. 14). It is a right that forgives our conviction; a right that redeems our past mistakes; and a right that changes, reinvents and defines ourselves anew. Therefore, it is urgent to extend this right from Europe into the whole world.

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