

Google stops notifying publishers of ‘right to be forgotten’ removals from search results

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Google has quietly stopped telling publishers when it has removed websites from its search results under European “right to be forgotten” rules after a ruling in a Swedish court which the search engine is applying globally. Previously, when an individual applied to have records about them expunged under EU data protection laws, Google would notify the publisher of the original articles. Media companies, including the Guardian, are largely exempt from the regulations, but links to journalistic content can still be removed from databases including those of search engines. Now Google only informs publishers of the fact that a URL has been removed, without elaborating on what or why. That leaves journalists unable to identify situations where the right to be forgotten has been misused to hide legitimate reporting on serial miscreants, and hampers their ability to challenge the most serious abuses of the right. A Google spokesperson said: “We rolled out our new approach to notifications following a decision by Sweden’s data protection authority, which entered into force in December 2023 after the Swedish administrative supreme court refused us leave to appeal. “We disagreed with the decision at the time – but it’s binding and confirms pan-EU regulatory guidance. We have therefore undertaken a strong effort to comply with it.” One of the changes introduced by GDPR in 2016 was to ensure that EU national court decisions on data protection set precedent across the bloc. In its December ruling, the Swedish court ruled that informing webmasters that the search engine had removed links to their content was itself a breach of privacy of the person making the right to be forgotten request. “The administrative court, therefore, finds that an individual’s interest in effective protection of their privacy and personal data, after Google has granted the removal of a search result, generally outweighs the interests of Google until to [sic] sends messages to webmasters,” it concluded, according to the International Association of Privacy Professionals. It upheld a fine of SEK 50m (£3.8m) against the search engine for not removing URLs that it had been asked to delist. Within weeks of the original May 2014 court ruling that established that the right to be forgotten applied to Google, six Guardian articles had been removed from European versions of the search engine. Three related to the now-retired Scottish Premier League referee Dougie McDonald, who in 2010 was found to have lied about his reasons for granting a penalty in a football match. Others included a 2002 article about a solicitor facing a fraud trial and 2011 piece on French office workers making Post-it note art. In the following five years, the search engine received almost a million discrete requests to be forgotten, and despite rejecting more than half, still removed almost 1.5m individual URLs.