European Court Lawyer Sides with Google

TOBY STERLING, Associated Press

AMSTERDAM (AP) — A top lawyer at the European Court of Justice said Tuesday that Google and other search engines should not have to remove web pages containing personal information from their search indexes.

In a blow for the "right to be forgotten" privacy principle in Europe, the court's independent Advocate General, Niilo Jaaskinen, said in a formal opinion that websites, not Google, should bear responsibility for information they publish.

Jaaskinen said that Google's search function "does not imply any control over the content included on third party web pages," he said in his opinion, which is not binding but influential in helping judges form their opinions. Google's information indexing system "does not even enable the Internet search engine provider to distinguish between personal data...and other data."

The Luxembourg-based ECJ was asked to weigh in on the issue after a case in Spain, where the national data protection agency received complaints from individuals who said personal information from years earlier could be found on a simple Internet search.

The Spanish agency decided in their favor and ordered Google Spain and Google to ensure the information did not come up in search results. Google contested that in Spanish Court, arguing it would place it in the position of deciding what pages to censor.

The ECJ will rule on the same issues addressed by Jaaskinen later this year. More than a hundred complaints are on hold in Spain awaiting the European decision.

The Spanish agency had invoked the "right to be forgotten," a principle derived from the idea that European citizens should be allowed to control over their own personal data — not have it stored and made accessible on line by large companies. However, Jaasiknen said that the idea that there is any general "right to be forgotten" is a misunderstanding.

Rather, he said, European individuals have a right to correct wrong information or protest the way their personal information is being used — when they have good grounds.

That "does not entitle a person to restrict or terminate dissemination of personal data that he considers to be harmful or contrary to his interests," he said.

That does not extend to accurate information that has been published, which is at the heart of many of the Spanish cases.

The Spanish data protection agency said Tuesday it was still studying the ruling and did not have any immediate reaction.

Google, based in Mountain View, California, welcomed Jaasiknen's opinion.

"We're glad to see it supports our long-held view that requiring search engines to suppress 'legitimate and legal information' would amount to censorship," said Bill Echikson, who has the title of "Head of Free Expression" at Google for Europe, the Middle East and Africa.

Jaaskinen's opinion said Google remains subject to local laws, and it could be forced to take steps amounting to blocking websites that house illegal content, such as those infringing intellectual property or displaying libelous or criminal information.

But it noted that when information is legal and in the public domain, blocking it would violate publishers' right to freedom of expression.

Source URL (retrieved on *03/10/2014 - 1:53am*):
http://www.wirelessdesignmag.com/news/2013/06/european-court-lawyer-sides-google