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PRIVACY

# Limit 'Right to Be Forgotten' to Europe, Panel Tells Google

By **Mark Scott** February 6, 2015 5:38 am

LONDON — Europe's so-called right to be forgotten should apply only in Europe.

That was the majority opinion in a recommendation published on Friday by an eight-person committee set up by Google to provide guidance over how the search giant should comply with a landmark privacy ruling in the 28-member bloc.

The committee can only provide recommendations to Google and does not have the power to force the company to change its operations. It also has no legal powers in Europe, where individual countries' data protection authorities will make the final decisions on how the privacy ruling should be enforced.

The decision by Europe's highest court, published in May, said that anyone with connections to Europe could ask Google and other search engines to remove links about themselves from online search results.

While Google has tried to limit the privacy decision solely to its European domains like Google.fr and Google.de, many of Europe's data protection watchdogs have called on search engines to apply the right-to-be-forgotten decision to their worldwide domains, including Google.com.

The standoff has divided Europe, where an individual's right to privacy is almost on a par with freedom of expression, and the United States, where free speech under the First Amendment remains paramount. And a number of recent legal challenges have attempted to force Google to apply Europe's take on privacy across its global

operations.

In its report, the advocacy group for privacy and freedom of speech sided with Google, saying the privacy ruling should be limited to Europe.

“We believe that delistings applied to the European versions of search will, as a general rule, protect the rights of the data subject adequately,” the committee said, noting that roughly 95 percent of web searches in Europe are funneled through Google’s regional domains.

The group said that other interests, including the right of those outside the European Union to access online information, also must be considered. The committee said that Google’s efforts to remove links — it has so far taken down roughly 40 percent of the 767,000 link requests, according to its latest transparency report — represented a fair implementation of what Europe’s highest court had demanded when outlining the privacy ruling last year.

“There is also a competing interest on the part of users within Europe to access versions of search other than their own,” the committee added.

Yet not everyone on the advisory group agreed with limiting the right-to-be-forgotten decision to Europe.

Sabine Leutheusser-Schnarrenberger, a former German federal justice minister, said Europeans’ right to privacy must be enforced worldwide.

“Since E.U. residents are able to research globally, the E.U. is authorized to decide that the search engine has to delete all the links globally,” she wrote in the report.

In contrast, Jimmy Wales, the co-founder of Wikipedia, who also was part of the advisory group, said Europe’s ruling, which forces Google to initially decide whether to remove links to online content, was fundamentally flawed and potentially hampered people’s access to online information.

“I completely oppose the legal situation in which a commercial company is forced to become the judge of our most fundamental rights of expression and

privacy,” Mr. Wales wrote. “The recommendations to Google contained in this report are deeply flawed due to the law itself being deeply flawed.”

***Correction: February 6, 2015***

*An earlier version of this article overstated the role an eight-person committee set up by Google plays in operational changes at the company. While the committee can make recommendations, it does not have authority to force changes; it is not the case that it does have such power.*

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