

## TECHNOLOGY

# Want to Be Forgotten Online Without Google? Forget It.

Bits

By QUENTIN HARDY   APRIL 19, 2016

While we were worrying about banks that are “too big to fail” lest they endanger the rest of the financial system, something similar may have happened with Google.

It’s not that, should Google fail, the Internet would vanish. But as a story from Mark Scott shows, the search giant does have powers that few seem able to replicate.

Mark’s story is about how the European Union’s so-called right to be forgotten law has worked out in practice. For almost two years, European Union citizens have been able to apply to have links to certain web search results taken down. As over 90 percent of Europe’s search market belongs to Google, this is primarily a law about what Google can track and link the public to.

So who is deciding the merits of applications to be “forgotten”? More than anyone else, Google. How do they decide whether the application is warranted? Google won’t say.

It appears to involve a team of 50 legal types in Google’s Dublin offices, who have granted fewer than half of 418,000 requests — a percentage roughly consistent

with the number granted in the law's first months. Less than 1 percent of the decisions are appealed to government regulators, who usually side with Google.

European Union officials appear to think Google is acting fairly, but that doesn't answer the question of why Google should be policing itself. The answer to that appears to be that no one else has the money and know-how to effectively do the job.

As the Internet gets to be a bigger part of everyone's lives, it may increasingly be that only the biggest Internet companies can do Internet-scale tasks. Google already appears to have the world's largest commercial network of computers.

To some extent, it's the same for Amazon, Microsoft and Facebook. It would be interesting to see whether Alibaba and Baidu have more computational and data power than the Chinese government.

Another reminder of this strange new power was Monday's decision by the U.S. Supreme Court to let stand a ruling that Google could offer access to the millions of books it has digitized. The Authors Guild, which has been fighting Google, has maintained that the search giant is violating copyright protection in a commercial venture of making other people's work searchable. The courts, however, have held that providing access to information about a text is fair use, not stealing.

Much the way it curates much of what happens on the Internet, Google has spent years scanning books to create its searchable corpus. For better or worse, few people would want those things destroyed, or made inaccessible. The price we are paying, however, is a near-essential private entity that has done things no government seems able to do.