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Google doesn't have to delete data under local rules, ECJ says

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The European Court of Justice has expressed its opinion on 'the right to be forgotten' in a court case which faces the Spanish Data Protection Agency against the tech giant Google. According to Advocate General Jääskinen, search engines are not responsible for personal data appearing on web pages they process.

Jääskinen said that companies operating in the EU must comply with national data protection legislation, but that this doesn't oblige them to remove personal content produced by others.

He proposed that national data protection legislation should be applicable to a search engine when it sets up in a Member State, "for the promotion and sale of advertising space on the search engine, an of fice which orientates its activity towards the inhabitants of that State," says a [press release](#) issued by the ECJ. Otherwise, this process has to take place under controller's establishment.

ECJ's opinion follows a complaint by Mario Costeja González, a Spanish court calligrapher and expert in non-verbal communication. An auction notice of his home was published in 1998 in the Spanish newspaper *La Vanguardia*, and when it launched its digital version several years later, the article was also included.

According to Costeja, when writing his name on Google search, his personal information still appeared, even years after he solved the problem. "Everything is fixed and paid for years. I'm divorced since then, but according to Google I'm still a debtor and I'm married," he told *El Pais*.

He alleged that the search engine was infringing his privacy and that the information must be deleted. "What worries me is the necessity of the right to remove from the Internet something from your past which, despite being solved, keeps following you," he said.

Despite Costeja was able to present his case at the European Court of Justice, Jääskinen's opinion represents a first picture of what the body thinks about 'the right to be forgotten' and which is its position on the matter.

However, the ECJ is not bound by the advocate general's opinion, but judges follow the recommendations in the majority of cases. A final judgment on the case is expected before the end of the year.

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