

Carnegie
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CyLab



Engineering &
Public Policy

The Right to be Forgotten

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September 4, 2014

8-533 / 8-733 / 19-608 / 95-818:
Privacy Policy, Law, and Technology



Today's Agenda

- Quiz
- Homework Discussion
- Homework 2
- Introduction to “Right to Be Forgotten”
- Discussion on some theoretical cases
- Other concerns with the Right to be Forgotten

Homework 1 discussion

- Paraphrasing and plagiarism
- Collage

Plagiarism?

- Conceptions of privacy underpin nearly every argument made about privacy, including the "nothing to hide" argument, which represents a singular and narrow way of conceiving privacy. If we do not exclude from consideration the other problems raised in government surveillance and data mining programs, the "nothing to hide" argument is a loser (Solove 2007).
- Solove (2007) writes that the "nothing to hide" argument misses important dimensions of privacy and results in a very narrowly focused debate. He argues that when we consider privacy more broadly, we see that this argument "has nothing to say."
- As Solove (2007) writes, conceptions of privacy are at the root of nearly every argument ever made about privacy, causing people to talk past each other when discussing privacy issues. We can better address privacy problems by focusing more specifically on the related problems. Rather than using the singular and narrow "nothing to hide" argument, we should confront the plurality of privacy problems implicated by government data collection and use beyond surveillance and disclosure.

Homework 2 Due Sept 16

- CTIA Best Practices and Guidelines for Location Based Services
- The Privacy Act of 1974
- The Federal Wiretap Act
- The Fair Credit Reporting Act
- HIPPA
- The Gramm-Leach Bliley Act
- The Video Privacy Protection Act
- Children's Online Privacy Protection Act
- Family Educational Rights and Privacy Act (FERPA)
- CPNI rules
- Cable TV Privacy Act
- California SB-1386
- White House Consumer Privacy Bill of Rights
- NTIA Privacy Multistakeholder Process on Mobile Application Transparency

By the end of class, you will be able to:

- Understand the EU Ruling on the Right to Be Forgotten
- Be able to discuss and critique the ruling

Why should we forget?

- Chance to outgrow youthful indiscretions
- We judge others more harshly than we judge ourselves
- Rehabilitation into society
- Humans have not evolved to remember everything

European Court of Justice May 13 2014 Ruling

1. Territoriality of EU Rules
2. On the applicability of EU data protection rules to a search engine
3. On the “Right to be Forgotten”

Territoriality of EU Rules

- If they have a branch or a subsidiary in a Member State which promotes the selling of advertising space offered by the search engine

Applicability of EU data protection rules to search engines

- European Court of Justice determined that Google is a “data controller”
- Google has responsibility to maintain quality and accuracy of data

Right to be Forgotten

- Individuals have the right - under certain conditions - to ask search engines to remove links with personal information about them.

Applies when information is

- Inaccurate
- Inadequate
- Irrelevant
- Excessive

Case by case assessment

- Balanced against other fundamental rights (freedom of expression and media)
- Type of information
- Sensitivity for the individual's private life
- Interest of the public in having access to information
- Role the person requesting the deletion place in public life

Remove a link from specific search results

- Does not remove content
- Does not remove link from all searches

How would you decide?

- Case 1: Joseph Blackheart Arrested for Indecent Exposure to Minors
- Case 2: Wolfgang Werlé convicted for murdering a man
- Case 3: Google employee fired for reading gmail accounts of high school girls
- Case 4: Nude pics of famous tennis player

Case 1: Arrested for Indecent Exposure to Minors

- Italian student hopes to be a teacher
- After a night of drinking, walked home
- Urinated on wall, not realizing it was a school wall

Case 2: Wolfgang Werlé convicted for murdering a man

- German citizen
- Convicted of murdering a business associate
- Claimed to be innocent
- Served 17 years of jail time

Case 3: Google employee fired for reading gmail accounts

- US citizen, currently residing in Ireland
- As Google employee, member of team that had access to gmail accounts
- Met girls through volunteer work in community

Case 4: Nude pics of famous tennis player

- Slovakian tennis player and model
- Nude pics were stored privately on icloud
- Hackers copied and disseminated pics
- Well-publicized marriage to famous ice hockey player

Group Discussion

- Case 1: Joseph Blackheart
Arrested for Indecent Exposure to Minors
- Case 2: Wolfgang Werlé
convicted for murdering a man
- Case 3: Google employee fired
for reading gmail account of
high school girl
- Case 4: Nude pics of famous
tennis player
- Balanced against other
fundamental rights (freedom of
expression and media)
- Type of information
- Sensitivity for the individual's
private life
- Interest of the public in having
access to information
- Role the person requesting the
deletion place in public life

Who should make these decisions

- Paralegals hired by Google
- Information Commissioner in relevant country
- Courts

Technical Questions

- Location?
- Targeting?

Google Famous

- Google.co.uk



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