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Work in Progress: The European “Right to Be Forgotten” – Legal and Technical Challenges of Search Engines Complying With the Right to Erasure



Replaces the 1995 Data Protection Directive which was adopted at a time when the internet was in its infancy



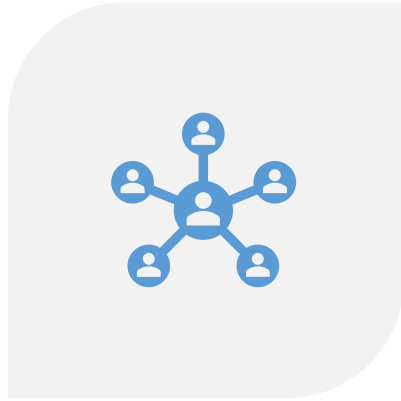
GDPR is now recognized as law across the EU. Member states had two years to ensure that it is fully implementable in their countries. It is effective since May 2018.

GDPR – Introduction

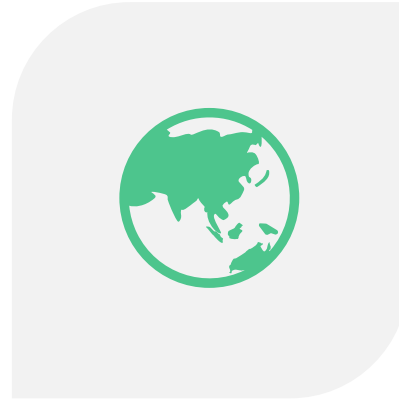


The Right to be Forgotten

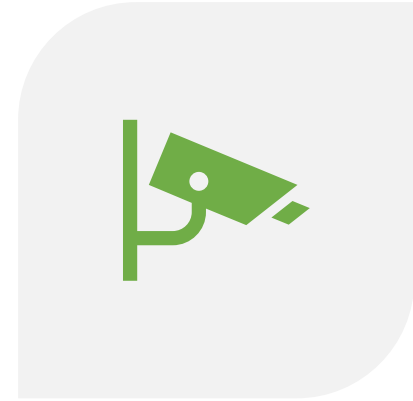
- Court decision in 2014 was the beginning of the right to be forgotten
- Right to demand the erasure of personal data
- Applicable on any data processor



LEGISLATIVE ANSWER TO THE
UNCONTROLLED SPREAD OF PERSONAL
DATA THROUGH THE INTERNET



SEARCH ENGINES ARE AN ESSENTIAL
INFRASTRUCTURE FOR THE WORLD
WIDE WEB



AT THE SAME TIME THEY CAN
ENDANGER PEOPLE'S RIGHTS TO
PRIVACY

The Right to be Forgotten on Search Engines



REGULATION MAY AFFECT
THE DIVERSITY OF CONTENT



REGULATION MAY
AFFECT FREE SPEECH



REGULATION MAY AFFECT
THE RIGHT TO OBTAIN AND
GATHER INFORMATION



REGULATION
MAY ALSO AFFECT THE
FREEDOM OF MEDIA

The Right to be Forgotten on Search Engines



Current Status Regarding Search Engines – Google as Example

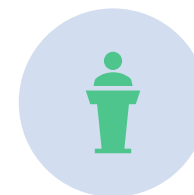
- Many people demand a deletion of personal data
- Google deletes about 45% of all applications
- The search engine must decide on its own
- Google set up an advisory council on the right to be forgotten
- They worked out criteria for the decision-making process



Source of the data



Topicality of the data



Importance for the general public



Sensitivity of the data for the affected subject



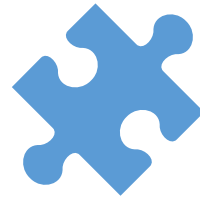
Whether the affected data subject deliberately published the data or not

Google Advisory Council: Criteria



Automated reasoning

Practical solution



Automation may increase

Coherence / Consistence

Transparence



No full automation

Assist reasoning process

Humans make final decision

Technical Implementation



REQUEST



WEIGHTING



DECISION

Decision Process

Request

Search result

Identity

Entitlement



Request

Search result

Identity

Entitlement



Reasons

Outdated

Incorrect

No
consent

Verdict

Weighting

Reliability of
source



Public interest



Assess

Connection



Requesting Entity



Decision



Classification

Accept request
Reject request



Approach

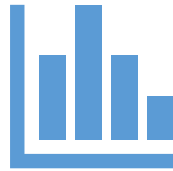
Rule-based
Case-based





Motivation

Legal & technical challenges
Search engine provider



Preliminary results

Criteria catalogue
Analysis of automation potential



Future work

Scope of application
Technical implementation

Conclusion

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