

Article 29 Working Party of EU Privacy Regulators Discusses the Right to be Forgotten

Tuesday, September 30, 2014

On 18 September 2014, the **European Union's Article 29** Data Protection Working Party published a press release outlining its recent plenary session discussions on the so-called **"right to be forgotten" or "de-listed."**

The Working Party identifies that search engines, as data controllers, are under an obligation to acknowledge requests to be de-listed and establishes amongst European data protection authorities a "tool box" for ensuring a common approach to complaints handling in the case of refusals to de-list.

Background

The Working Party, made up of EU member state national data protection authorities, is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive (95/46/EC) (DPD) in order to contribute to the DPD's uniform application.

The purpose of its latest plenary session held on 16 and 17 September 2014 was to discuss the aftermath of the European Court of Justice's (ECJ) May 2014 ruling which recognised an EU citizen's right to have the results of searches conducted against their name and containing their personal information removed where such information was inaccurate, inadequate, irrelevant or excessive for the purposes of data processing.

Key Messages

The Working Party has acknowledged that there is high public demand for the right to be forgotten, based on the number of complaints received by European data protection authorities relating to refusals by search engines to de-list since the ECJ ruling.

The Working Party has agreed that there is a need for a uniform approach to the handling of de-listing complaints. As such the Working Party has proposed that:

- It is necessary to put in place a network of dedicated contact persons within European data protection authorities to develop common case-handling criteria; and
- Such a network will provide data protection authorities with a record of decisions taken on complaints and a dashboard to assist in reviewing similar, new or more difficult cases.

Going forwards the Working Party also confirmed that it will continue to review how search engines comply with the ECJ's ruling, having already held a consultation process with search engines and media companies over the summer.

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