

Attempt to Force Google to Honor Right to be Forgotten Rule in the US is Misguided

July 7, 2015 – Consumer Watchdog has announced that it will file a complaint with the FTC over Google's refusal to implement Europe's Right to be Forgotten rules in the United States. At ACCESS, we're all for privacy. But attempting to force one company to implement a rule from overseas could actually create many more problems than it will solve.

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(function() {
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s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();
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po.src = 'https://apis.google.com/js/plusone.js';
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);
})();
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By any measure, Google is the largest search engine on the internet. To be efficient, Google has built a large database of internet links. When you search, the company doesn't actually go out and search the entire internet in an instant. Instead, it searches through the links stored in its database. That's why it is fast. It is also the same basic way that every other search engine operates.

Throughout Europe, a rule has been put in place called the "Right to be Forgotten". It impacts all countries within the European Union.

With the rule, anyone who searches for their name on Google (or any other search engine) and finds links to material that they find objectionable, can now ask search engines to remove those links. While the search engine must comply under European law, the actual material contained in those links is still available on the internet. This means that while there may no longer be any record of the material on Google, it could very well still be referenced on Bing or Yahoo or any of the dozens of other search engines that are out there. In short, the rule creates the illusion of privacy by censoring search engines. But anyone willing to pay a small fee, or who knows of a good Google alternative, is still going to be able to find that information you so desperately want to hide. That includes any employer conducting a background check.

Consumer Watchdog's argument appears to be that because Google is saying that they care about your privacy, they should change their policies. John Simpson, Director of Consumer Watchdog's privacy project was quoted in a PC World article as saying, "We're not arguing that European laws should apply in the U.S.," he said. "We're saying marketing yourself as being concerned about consumers' privacy, but not offering a key privacy tool is deceptive."

That argument has some real flaws though. For instance, if you go out, get drunk and post a bunch of pictures to the internet that make you look like an idiot, why should that become Google's problem to manage? Frankly, there are real costs to companies when they are made responsible for things that they have absolutely no control over. It also brings up the question of why should Google care more about your privacy than you do? After all, in the scenario above, you were the one who posted the pictures; not Google. And yes, this is specifically the type of scenario that this FTC complaint is about.

Should you have a right to keep your search history private? Absolutely. Should you have a right to prevent the personal information that you shared with Google (or other sites) when registering with them from being sold, traded or given away? Yes, we believe you should. But should you have the right to force a private company to protect you from yourself? Absolutely not. Thatâ€™s a matter of personal responsibility. At the very least, Google should be able to charge you for every link that they are forced to take down. Maybe that would actually make people think twice before posting to the internet.

by Jim Malmberg

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