

Seminar

Data protection on the Internet

Panel II

Second Round Table:

*How the industry can minimise the threat for the protection
of data when delivering services on Internet
(notably via search engines)*

“Search engines and rights of erasure and objection”

Artemi Rallo Lombarte
Director of the Spanish DPA

IMPORTANCE OF THE GUARANTEES AND RIGHTS IN FRONT SEARCH ENGINES

- Search engines are a fundamental tool of social development, but the constitutional rights and the rights of data subjects must be respected.
- Search engines threaten the traditional criteria regarding the guarantee of privacy and these ones require an urgent update and adaptation.
- Necessary balance of the guarantees before the new risks that offer new services of the Internet such as search engines.
- Importance of International Standards
- In the Internet, not all is permissible. We must help to avoid that contents that infringes the data protection laws continue to be uploaded on the Internet.
- These policies are necessary for the whole set of users in the Network, so as not to trivialize the use of the Internet and its risks.

RIGHT OF INFORMATION

- Individuals whose data are being processed must be informed of what data are going to be used, by whom, and to what purpose and to whom their data may be given.
- Search engines do not sufficiently emphasize their own privacy policies on their homepages and nor are accessible via links.
- It is necessary to urgently consider new information mechanisms allowing users to effectively know about the use of their personal data

RIGHT OF ERASURE

- Although the initial incorporation of personal information on the web may be legitimate at its source, its universal and everlasting retention on the Internet may be disproportionate.
- People must have at their disposal reaction instruments in order to avoid being subject to an universal display.
- The general rule is the corresponding of this right exercise against website controllers
- Among others, on key exception: the freedom of information.

RIGHT OF OBJECTION

- Sometimes, national laws state the obligation to publish personal data
- This obligation does not apply to search engines
- It is necessary to insist on the multiple and disproportionate disclosure effects of search engines on personal data protection.