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Issued by the Article 29 Data Protection Working Party

On May 13th, 2014, the Court of Justice of the European Union handed down an important judgment in the case of "Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González" (C-131/12). It grants the possibility to data subjects to request to search engines, under certain conditions, the de-listing of links appearing in the search results based on a person's name.

On Wednesday 26 November, the European DPAs have adopted common guidelines on the implementation of the CJEU's judgment. These guidelines contain the common interpretation of the ruling as well as the common criteria to be used by the data protection authorities when addressing complaints. In addition, a contact points network was established in order to exchange analysis on specific cases and to build EU jurisprudence on delisting requests.

One year after the judgment and 6 months after data protection authorities have started handling complaints, the WP29 has launched a survey in order to evaluate their practice regarding the de-listing requests they received.

So far, it follows from the answers received to the questionnaire that the system put in place by the WP29 has efficiently played its role:

- At this stage, almost two thousand requests have been received. Data protection authorities have started to assess complaints in an efficient way and to request delisting when the conditions of the CJEU judgment are met. Each decision is taken in light of the balance between the right to the protection of private life and personal data (Article 7 and 8 of the Charter) and the interest of the public in having access to the information via searches made on a search engine on the basis of an individual's name.
- The majority of complaints concerned Google Inc.'s search engine.
- Consistency of decisions is ensured through the use of the WP29 common criteria. All criteria appear to be relevant and efficient in the context of delisting requests. However, some criteria might need to be refined in order to gain some more clarity. This is for example the case of the "role in public life" criteria. Data protection authorities will also need to reflect on how to assess to what extent a complaint is well-founded.. Moreover, they will have to specify at what point a piece of information can be considered as outdated and thus irrelevant.
- In order to handle complaints, all data protection authorities have established a dedicated team responsible for reviewing, evaluating and responding to the complaints in accordance with the adopted guidelines and delisting criteria. Some authorities have set up an escalation system so that the most complex requests are subject to validation at a high level at each data protection authorities.
- It follows from the analysis of data protection authorities that in the great majority of cases the refusal by a search engine to accede to the request is justified by the fact that the information is directly related to the professional

activity of the individual, or that it is pertinent in regard to current events or to purpose of the processing.

More information will be regularly given on the progress of the work of data protection authorities in the field of delisting.

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice/data-protection/article-29/index_en.htm