



Oct. 13, 2014

Mr. Larry Page, Chief Executive Officer  
Mr. Eric Schmidt, Executive Chairman  
Google  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Page and Mr. Schmidt,

I am writing on behalf of Consumer Watchdog to call upon Google to extend the so-called “Right To Be Forgotten” now being implemented for Google’s users in Europe to your users in the United States. Your action in Europe is in response to last May’s decision by the European Court of Justice that held a person has the right to request the removal of search engine links to information that is inadequate, irrelevant, no longer relevant, or excessive. It’s important to note that removal isn’t automatic if requested. There needs to be a balance between the individual’s privacy and public’s right to know in making a decision to remove a link.

I was heartened to see – based on Google’s own numbers – that you appear able to strike this balance in Europe and it does not appear to be an undue burden on your resources. According to your Transparency Report <sup>1</sup>updated on Friday, Google has received a total of 146,357 removal requests involving 498,737 URLs. Google says it has completed processing 409,897 of those URLs, removing 171,183 or 41.8% and retaining 238,714 or 58.2%. The largest number of removal requests –29,140 – came from France. Germany had 25,206 and 18,846 originated in Great Britain.

More intriguing were the examples of requests you listed and how Google responded. Here are some of those cases:

- A woman in Italy requested that Google remove a decades-old article about her husband’s murder, which included her name. The page was removed from search results for her name.
- A Swiss financial professional asked Google to remove more than 10 links to pages reporting on his arrest and conviction for financial crimes. Google did not remove the pages from search results.
- A rape victim in Germany asked Google to remove a link to a newspaper article about the crime. The page was removed from search results for the individual’s name.
- Google received multiple requests from an Italian asking Google to remove 20 links to recent articles about his arrest for financial crimes committed in a professional capacity. Google did not remove the pages from search results.

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<sup>1</sup> <https://www.google.com/transparencyreport/removals/europeprivacy/?hl=en>

- A media professional in the UK asked Google to remove four links to articles reporting on embarrassing content he posted to the Internet. Google did not remove the pages from search results.
- An Italian crime victim asked Google to remove three links that discuss the crime, which occurred decades ago. The pages were removed from search results for her name.
- In the UK a man asked Google to remove links to articles on the Internet that reference his dismissal for sexual crimes committed on the job. Google did not remove the pages from search results.
- A doctor in the UK asked Google to remove more than 50 links to newspaper articles about a botched procedure. Three pages that contained personal information about the doctor, but did not mention the procedure were removed from search results for his name. The rest of the links to reports on the incident remain in search results.
- A German asked that Google remove close to 50 links to articles about an embarrassing private exchange that became public. The pages have been removed from search results for his name.
- A British public official asked Google to remove a link to a student organization's petition demanding his removal. Google did not remove the page from search results.
- Google received a request from a former clergyman to remove two links to articles covering an investigation of sexual abuse accusations while in his professional capacity. Google did not remove the pages from search results.
- A German asked Google to remove a link to an article covering a contest in which he participated as a minor. The page was removed from search results for his name.

Again, what your own examples demonstrate is Google's ability to strike an appropriate balance between an individual's privacy and the public's right to know. Google is clearly making the Right To Be Forgotten work for its users in Europe, but that is because you must under the law. We call on you to voluntarily offer the same right to Google users in the United States.

Americans back the Right to Be Forgotten. A poll by Software Advice, Inc.<sup>2</sup> in early September found:

- 61% of Americans believe some version of the right to be forgotten is necessary.
- 39% want a European-style blanket right to be forgotten, without restrictions.
- 47% were concerned that "irrelevant" search results can harm a person's reputation.

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<sup>2</sup> <http://www.softwareadvice.com/security/industryview/right-to-be-forgotten-2014/>

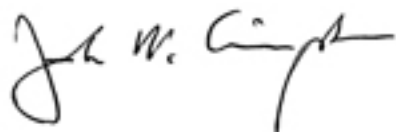
Here is what the Right To Be Forgotten is about in practical terms: Before the Internet if I did something foolish when I was young and foolish -- and I probably did -- there might well be a public record of what happened. Over time, as I aged, people tended to forget whatever embarrassing things I did in my youth. I would be judged mostly based on my current circumstances, not on information no longer relevant. If someone were highly motivated, they could go back into paper files and folders and dig up my past. Usually this required effort and motivation. As a reporter, for instance, this sort of deep digging was routine for me with, say, candidates for public office. This reality that our youthful indiscretions and embarrassments and other matters no longer relevant slipped from the general public's consciousness is "Privacy By Obscurity."

The Digital Age has ended that. Everything -- all my digital footprints -- is instantly available with a few clicks on a computer or taps on a mobile device.

Now, the Right To Be Forgotten is simply restoring the balance in Europe that is provided with Privacy By Obscurity. The right simply allows a European to identify links that are no longer relevant and ask for their removal. As your examples clearly show, removal won't always happen, but the balance you appear to have found between privacy and the public's right to know demonstrates you can make the Right to Be Forgotten work.

Americans deserve the same Right to Be Forgotten. Indeed, with your repeated claims to care about privacy, you should be ashamed that Google is not treating people on both sides of the Atlantic the same way.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Simpson  
Privacy Project Director