

From the Director

Isabelle Falque-Pierrotin
Chair, Article 29 Working Party
European Commission
B-1049 Brussels
DG Justice

23rd July 2014

Dear Ms Falque-Pierrotin,

The issues about the so-called ‘right to be forgotten’ raised by the recent European Court judgement involving Google, with its implications for other search engines and accessibility to other journalistic information give us serious cause for concern.

We appreciate that no general “right to be forgotten” exists and that the Court ruling is only about restricting access to links generated by search engines in response to name searches. But there is a vital principle at stake which we trust that your committee will consider carefully.

The judgment makes clear that Europeans now have the right to demand that certain online material is obscured in search results and its dissemination via search engines is stopped. For media organisations and journalists, this is akin to being asked - on the basis of the subjective opinions of individuals, rather than any specific court order - to remove items from an index in newspaper archives. This is something we would only do after careful consideration based on a sound legal and factual basis and hope never to be asked to do more.

We seek assurances that any such moves would be firmly resisted and would not be applied in any new data protection legislation coming out of Europe in the future.

We are concerned that the European Court’s judgment goes against Article 10 of the European Convention of Human Rights and certainly the intentions of the UK Parliament when it introduced the Human Rights Act.

With regard to data protection legislation, journalistic work has always received special consideration. We are glad to see that the Court’s ruling continues this, and does not require news publishers to remove articles when asked to do so by individuals. This principle must be strongly defended or even enhanced. But the Court’s ruling is also problematic for journalism in general, as it has the effect of limiting the accessibility and dissemination of journalistic work via search engines, where the media company wishes this to be done. This reduces the visibility of the vital work done by journalists to ensure accountability throughout society, which in itself is contrary to the spirit behind Article 10.

For this reason, we believe that there should be greater transparency about the actions of search engines to comply with the European Court’s ruling. Specifically, we believe there should be no

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From the Director

restrictions on the ability of Google or other operators to inform the originator of material when links to that material are removed. To that end we support the views expressed by Index of Censorship and the assurances they seek. We also support the comments you have received from the Media Lawyers Association.

The Society of Editors has more than 400 members in national, regional and local newspapers, magazines, broadcasting and digital media, journalism education and media law. It campaigns for media freedom, self regulation, the public's right to know and the maintenance of standards in journalism. This letter has the full support of the Society's board of directors which includes senior editors from Sky News and the BBC and and key regional newspapers in England, Scotland, Wales and Northern Ireland. It also has the support of editors of major UK newspapers, including The Times, The Sunday Times, The Sun, The Guardian, The Independent, the Financial Times, the Daily Express, the Daily Mirror, the Sunday Mirror, The Daily Telegraph and Associated Newspapers as well as ITN.

We would be grateful for your comments about this and your assurances that these principles will be defended.

We would value an early response with comments on this issue and we would be more than willing to meet to expand on our concerns.

Yours Sincerely,



Bob Satchwell
Executive Director

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