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COMMUNICATION POLICY  
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# The Right to be Forgotten and Personal Data Protection: A Legal Analysis from the Evidence

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# RESEARCH QUESTIONS

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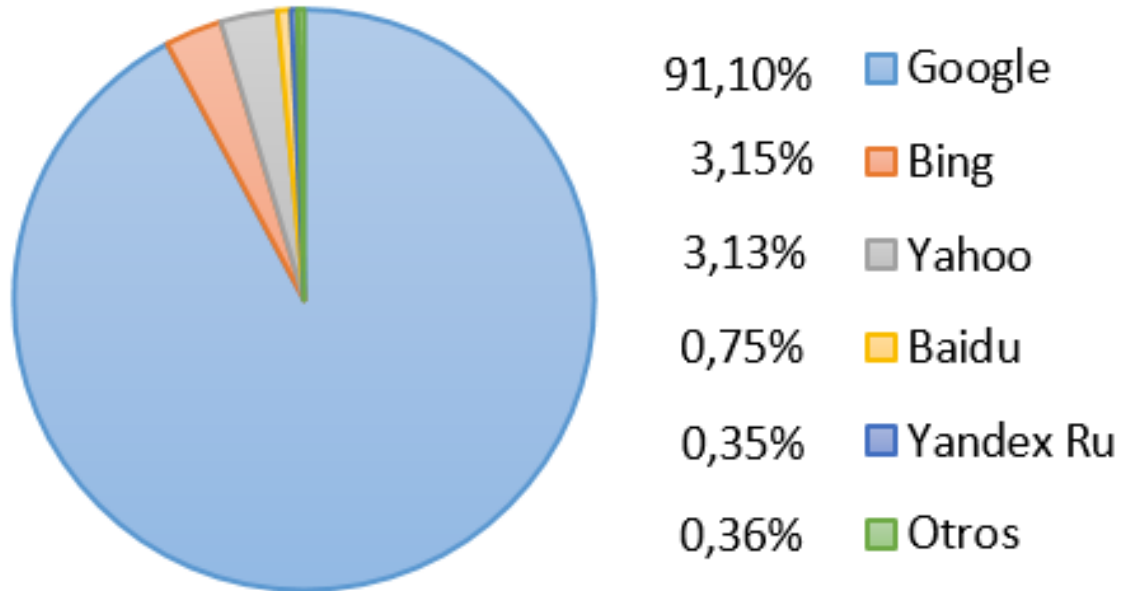
- The mass use of the internet has produced a never before seen availability, accessibility and permanence of information.
- How to demand that search engines de-index certain links of the results they produce, and how this could affect other fundamental rights, such as freedom of expression, access to information, the exercise of journalism and historical research.
- This research seeks to raise evidence regarding the consequences of this regulatory figure in the ecosystem of internet, through the statistics of applications for de-indexing in Europe.

# A BIT OF CONTEXT

# CONTEXTUAL FRAMEWORK

- **COSTEJA CASE – TJUE**
- **Five years have passed since the European Court of Justice ruled the controversial Costeja Case, which established the responsibility of search engines for the databases and established the possibility of canceling the availability of certain results at the request of the data subjects.**
- **What we know today as "right to be forgotten".**

## SHARE ENGINE MARKET WORLDWIDE 2009 – 2019



# METHODOLOGY

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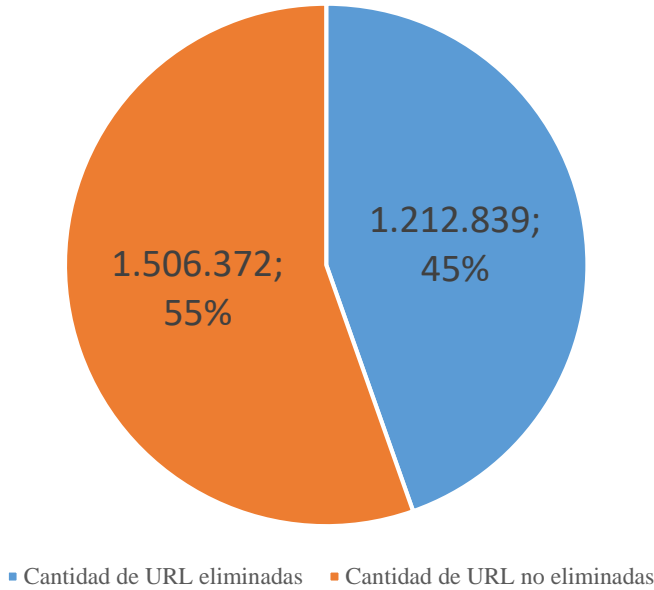
- Of the six search engines with the greatest presence on the Internet, Google dominates the search engine market by over 90%.
- Review the statistics of de-indexation requests presented.
- Of all the search engines only Google, Bing and Yahoo have at their disposal forms to request the de-indexing of content at European level. Regarding the transparency of these applications and their results, only Google and Bing have public statistics regarding the applications received and their acceptance or rejection.



# FINDINGS

Requests received between May 29th 2014 – May 29th 2019	
Removal requests	URLs included in removal requests
808.568	3.156.421

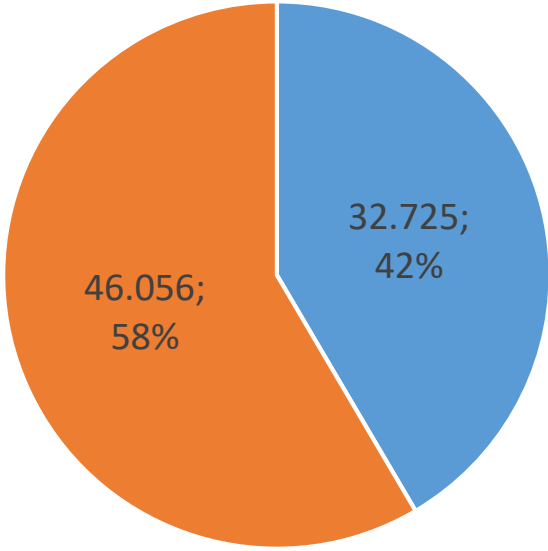
Number and percentage of requests deleted and not deleted May 29<sup>th</sup> 2014 – May 29<sup>th</sup> 2019



# Requests received between May 2014 – June 2018

<b>Removal requests</b>	URLs included in removal requests
<b>26.729</b>	<b>78.781</b>

Number and percentage of requests deleted and not deleted May 2014 – June 2018



■ Cantidad de URL eliminadas ■ Cantidad de URL no eliminadas

## FINDINGS

- From 808,568 total requests received by Google (3,156,421 URLs requested) and 26,729 total requests received by Bing (78,781 URLs requested):
- A total of 1,245,564 requested URLs were accepted.
- On the other hand, 1,552,428 URLs were rejected.
- The rate of acceptance of applications for de-indexing is approximately 43%.
- Broad interpretation of the causes of de-indexing by search engines?

# CHILE

## CONSTITUTIONAL ACTIONS

- Evolution of the criteria to access the de-indexation. Cases:
  1. Former prosecutor Abbot (2012)
  2. El Mercurio newspaper (2016)
  3. Case number 22.243-2015. Supreme Court (2016)
  4. Case number 25.154-2018. Supreme Court (2019)
  5. Case number 28.480-2018. Supreme Court (2019)
  6. Case number 4317-2019. Supreme Court (2019)

# CONCLUSION

*“¿Podemos poner en riesgo nuestra memoria histórica colectiva reflejada en los buscadores de internet? Pensemos en casos históricos, de asesinatos, torturas y desapariciones forzadas, desde nuestra Guerra Civil hasta nuestros días: el “Derecho al Olvido” pone al mismo nivel a víctimas y verdugos en las fosas comunes de nuestra memoria”. ALMEIDA, S. (2015).*

## CONTACT

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