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IS THE "RIGHT TO BE FORGOTTEN" GOOD FOR HUMAN RIGHTS?

VAI "TIESĪBAS TIKT AIZMIRSTAM" NĀK PAR LABU CILVĒKTIESĪBĀM?

Kopsavilkums

Šajā rakstā apskatīts, kā tiesības tikt aizmirstam ietekmē tiesības uz privātumu un vārda brīvību. Lai arī daži zinātnieki Eiropas Savienības Tiesas (EST) spriedumu *Google Spain* lietā kritizējuši kā lielākos draudus vārda brīvībai šajā desmitgadē un EST tūkstošgades lielāko kļūdu, autori apgalvo, ka EST un arī Eiropas Cilvēktiesību tiesa (ECT) kopš šī sprieduma taisīšanas uzskatāmi parādījušas, ka tad, ja konkurējošās tiesības tiek pareizi līdzsvarotas, tiesības tikt aizmirstam ir nepieciešamas "jaunās paaudzes tiesības", kas nodrošina, lai pagātne nediktētu indivīdu nākotni. Tiesām gan būs jāprecizē, kāds ir šo tiesību tvērums un vai tās būtu jāpiemēro ekstrateritoriāli, lai nodrošinātu pienācīgu aizsardzības līmeni.

Atslēgvārdi: datu aizsardzība, tiesības tikt aizmirstam, vārda brīvība

Summary

This article addresses the impact of the right to be forgotten on the right to privacy and freedom of expression. Although criticized by some scholars as the biggest threat to free speech in the decade and the greatest mistake of the CJEU of the millennium, the authors argue that post *Google Spain* case law of the CJEU and also the ECtHR has shown that if competing rights are properly balanced, the right to be forgotten is a necessary "new generation right" which ensures that the past does not predefine the future of individuals. The Courts also will need to clarify what the final scope of the right is and whether it should be applied extraterritorially to ensure an adequate level of protection.

Keywords: data protection, right to be forgotten, freedom of expression

Introduction

In May 2014, the Court of Justice of the European Union (CJEU) made the infamous *Google Spain* judgment.[1] It recognized that Europeans have the right to request online search engine service providers to alter search results that are displayed when

[1] Judgment of Court of Justice of the European Union, Case No. C-131/12 *Google Spain and Google*.

a search based on a person's name is made, so that these search results would not include websites containing particular data of the person.

After lengthy negotiations, the General Data Protection Regulation (GDPR) of the European Union came in force in May 2018, recognizing also the right to be forgotten in its Article 17. According to the GDPR, this right allows data subjects to have personal data concerning them rectified where the retention of such data infringes data protection legislation to which the controller is subject.[2] Since these developments, *the right to be forgotten* has become one of the most discussed aspects of the data protection.

Although celebrated by many data protection advocates, this right because of its vagueness actually may run contrary to the EU primary and secondary legislation in various instances. This contribution will look upon how the right to be forgotten interacts with the freedom of expression, and whether the lack of legal guidance on the balancing of these two rights is acceptable from the standpoint of free speech. Recent case law from both the Strasbourg and Luxembourg Courts will be discussed to ultimately argue that, once the court establishes the final scope of the right, balancing is of essence.

1. Right to be forgotten – an enemy to free speech?

Freedom of expression has been repeatedly recognized as the "cornerstone" of all rights and freedoms.[3] It is the fundament, upon which every democratic society, including the EU[4], is built.[5] The right to express oneself is a prerequisite of the development not only of the society as a whole, but also of each particular individual.[6]

Although freedom of expression is often understood as a rival to the right to private life, it must be noted that privacy is also an essential requirement for the realization of the right to freedom of expression. This is even more true when freedom of expression in the online environment is discussed.[7] Undue interference with

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[2] General Data Protection Regulation, Recital 65. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN [last viewed April 23, 2019].

[3] United Nations General Assembly Resolution 59 (I) of 14 December 1946 "Calling of an International Conference on Freedom of Information" Available at: http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/10/IMG/NR003310.pdf?OpenElement [last viewed April 23, 2019].

[4] European Parliament. Factsheets on the European Union - Human Rights. Available at: http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_6.4.1.html [last viewed April 23, 2019].

[5] Judgment of European Court of Human Rights, case No. 5493/72 *Handyside*, para. 49; Human Rights Committee. General Comment No.34, Article 19, para. 2. Available at: http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR-C-GC-34.pdf [last viewed April 23, 2019].

[6] Judgment of European Court of Human Rights, case No. 25576/04 *Flinkkilä and Others v. Finland*, para. 69.

[7] The promotion, protection and enjoyment of human rights on the Internet. United Nations Human Rights Council, 30 June 2016. Available at https://www.article19.org/data/files/Internet_Statement_Adopted.pdf [last viewed April 23, 2019].

individuals' privacy can limit the free development and exchange of ideas.[8] Therefore, the authors at the outset would like to point out that the right to be forgotten should not necessarily be viewed as a threat to the freedom of expression.

Even more, the right to be forgotten can encourage sharing information online.[9] It is argued that this right provides for liberty of expressing oneself freely here and now, without fear that this might be used against the person in the future. [10] The right has been propagated also by several actors that seemingly should be against it. Some newspapers, including German *Der Spiegel* and Spanish *El Pais,* have praised the idea of the right to be forgotten claiming that it did not seem logical that in a "democratic society in which even criminal records may be cancelled after a certain period of time, the Internet could become a life sentence for some people." [11] Also the British Library, which, among other things, stores a vast amount of online archives, has expressed the readiness to comply with the requirements of this right.[12]

2. Too many uncertainties

The leading opinion among the advocates of freedom of expression is that the threats the right to be forgotten poses outweigh the benefits.[13] Some authors have even called this right the biggest threat to the free speech online of this decade[14] and possibly the biggest mistake the CJEU has ever made[15]. That is because the right to be forgotten can limit the amount of information that is found online and influence rights of many parties. This has been recognized also by the drafters of the GDPR, as the right to be forgotten should not be applied when the right to freedom of expression is exercised.[16] However, what it actually implies might not be so clear as regards, firstly, the freedom of expression that might potentially be exercised by the online platforms

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[8] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. 17 April 2013, para 24. Available at: https://documents-dds-ny.un.org/doc/UN DOC/GEN/G13/133/03/PDF/G1313303.pdf?OpenElement [last viewed April 23, 2019].

[9] Wagner M., Li-Reilly Y. The Right to be Forgotten. The Advocate, Vol. 72, 6 November, 2014, p. 825.

[10] Giurgiu A. Challenges of Regulating a Right to be forgotten with Particular Reference to Facebook. Masaryk University Journal of Law and Technology, Vol. 7:2, 29 November, 2013, p. 363.

[11] Santin M. The Problem of the Right to Be Forgotten from the Perspective of Self-regulation in Journalism. El profesional de la información, Vol. 26, 2017, p. 304.

[12] A right to be remembered. UK Web Archive Blog, 21 July 2014. Available at: http://britishlibrary.typepad.co.uk/webarchive/2014/07/a-right-to-be-remembered.html [last viewed April 23, 2019].

[13] Adams Shoor E. Narrowing the Right to Be Forgotten: Why the European Union Needs to Amend the Proposed Data Protection Regulation. Brooklyn Journal of International Law, Vol. 39, 20 January, 2014, pp. 487–521.

[14] Rosen J. Symposium Issue: The Right to Be Forgotten. Stanford Law Review, 2012. 13. February. Available at: http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten [last viewed April 23, 2019].

[15] UK House of Lords European Union Committee 2nd Report of Session 2014–15 EU Data Protection law: a 'right to be forgotten'? p. 5. Available at: http://www.publications.parliament.uk/pa/ld201415/ldselect/ldeucom/40/4002.htm [last viewed April 23, 2019].

[16] General Data Protection Regulation, Article 17 (3) a. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN [last viewed April 23, 2019].

and secondly – the criteria which must be used to balance freedom of expression and the right to be forgotten.

There seems to be no question on whether freedom of expression protects the information that can be found online – either on websites, through internet intermediaries or elsewhere. [17] Therefore, it must be noted that whenever the right to be forgotten is applied in the online environment, the right to receive information pertaining to Internet users and the right of publishers and authors to the information to distribute is restricted. However, whether the online platforms can claim the protection of freedom of expression is unclear.

According to the Recital 153 of the GDPR, it is necessary to interpret notions relating to freedom of expression broadly. It could be reasoned that, given the decisive role of Internet intermediaries in disseminating information, these intermediaries should also be protected by the freedom of expression. However, there is no more concrete guidance from the EU legislator or from the CJEU to that matter.

Delfi[18] set a dangerous precedent for intermediary liability. In this case, the news portal was held responsible for defamatory comments posted in the comments section of one of its articles. This case encourages ISPs to, when in doubt, rather delete comments or otherwise face sanctions. Furthermore, the reaction of many news portals, allowing only registered (and identifiable) users to post comments may lead to less individuals publishing comments online.

Furthermore, there is the issue of personal data control. Comments and publications may be re-published on multiple websites, with different domains. Who has jurisdiction in such cases, and how does one ensure that someone is not punished multiple times for the same crime in cases where a violation of rights has taken place?

Analyzing the current practice of the European Court of Human Rights (ECtHR), it must be acknowledged that the Court is almost ready to recognize that the search engine and other online platforms might be exercising freedom of expression themselves. Firstly, already before this millennium, the Court ruled that not only the content of the message is protected, but also the means of transmitting it. [19] As a majority of users find information online with the help of search engines, social networks and other internet intermediaries, it can be argued that these platforms "transmit" the information.[20] Secondly, in more recent practice the ECtHR has suggested that

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[17] Carey P., Armstrong N., Lamont D., Quartermaine J. Media Law. 5th ed. London: Sweet & Maxwell, 2010, p. 204.; ARTICLE 19. Freedom of expression and ICTs: Overview of international standards. London: Article 19, 2013, p. 19; McDowell P. Google wins 'Right to be Forgotten' case in Japanese Supreme Court Public's right to know -v- Individual's right to privacy. Lexology, 14 February 2017. Available at: https://www.lexology.com/library/detail.aspx?g=91c113d8-3184-4d5b-acd4-6f6af4360857 [last viewed April 23, 2019].

[18] Judgment of European Court of Human Rights (Grand Chamber), case No. 64569/09 *Delfi AS v. Estonia*.

[19] Judgment of European Court of Human Rights, case No. 12726/87 *Autronic AG v. Switzerland*, para. 47.

[20] Turkington R. C., Allen A. L. Privacy Law: Cases and Materials. 2nd ed. San Francisco: West Group, 2002, p. 399.

Google's blogging platform[21] and a peer-to-peer content sharing platform[22] might also enjoy freedom of expression in judgments that, taken together, might indicate that other intermediaries, as well, are exercising freedom of expression through their activities. In *M.L. and W.W. v. Germany*[23], the Court found that publishers do not need to anonymize personal data in their online archives. Similar to the *Google Spain* case, for the applicants, the media attention from the proceedings has likely made them better known to the public as opposed to if they would not have commenced proceedings.[24]

Although the European courts seem to very rarely, if at all, discuss whether, for example, search engines are expressing their opinion through search results, several other courts, for example, in the United States[25], have done so. Some soft law documents, including those issued by the Council of Europe, have even suggested that social networks and other platforms facilitating exchange of ideas should be recognized as a form of media.[26] Therefore, it is unclear whether the freedom of expression of online platforms should be one of the arguments in deciding whether the right to be forgotten trumps the free expression online.

Secondly, there are no clear or even broadly defined criteria which should be used in balancing freedom of expression against the right to be forgotten. According to the *Google Spain* judgment, the data protection should prevail, unless the person is famous, or the society is interested to receive the information for other reasons.[27] There is no reference of balancing test that should be carried out.

3. The scope and application of the right to be forgotten

Another question which both the *Google Spain* case and GDPR have not answered once and for all is what the final scope of the right to be forgotten is supposed to be. There is an ongoing debate amidst academics as to the scope of the right to be forgotten. Some scholars interpret it as the right to erasure, which, in principle, allows

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[21] Judgment of European Court of Human Rights, case No. 3877/14 *Tamiz v. United Kingdom*.

[22] Judgment of European Court of Human Rights, case No. 40397/12 *Fredrik Neij and Peter Sunde Kolmisoppi* (*The Pirate Bay*) *v. Sweden*.

[23] Judgment of European Court of Human Rights, cases No. 60798/10 and 65599/10 *M.L. and W.W. v. Germany*)

[24] For a commentary of the effects of the *ML and WW v. Germany* Judgment, see Tomlinson H. and Wills A., "Case Law, Strasbourg: *ML and WW v. Germany*, Article 8 right to be forgotten and the media". Available at: https://inforrm.org/2018/07/04/case-law-strasbourg-ml-and-ww-v-germany-article-8-right-to-be-forgotten-and-the-media-hugh-tomlinson-qc-and-aidan-wills/ [last viewed May 8, 2019].

[25] Judgment of United States District Court Middle District of Florida Fort Myers Division, case No. 2:14-cv-646-FtM-PAM-CM *e-ventures Worldwide, LLC v. Google Inc*; Judgment of United States District Court for Western District of Oklahoma, case No. Civ-02-1457-M *Search King v. Google*.

[26] Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media. Council of Europe, 13 May 2013. Available at: https://www.osce.org/odihr/101403 [last viewed April 23, 2019].

[27] Judgment of Court of Justice of the European Union, case No. C-131/12 *Google Spain and Google*.

for the deletion of data, only if it is incorrect or has become irrelevant over time.[28] Others argue that the right to be forgotten should be viewed as a general right to oblivion; a right to have data stored on the internet concerning certain events in the past to be erased after a certain period of time has elapsed.[29] Whereas the scope of *Google Spain* argues in favour of the first perception, the wording of GDPR leaves the door open for a wider right to oblivion, which may one day encompass and "expiration date"[30] for data.

Wirtschaftsakademie Schleswig-Holstein[31] expanded the scope of who can constitute a data controller under GDPR. Here, the Court ruled that an owner of a Facebook fan page can be viewed as a data controller and hence is liable for breaches of GDPR.

The case of *Google v. CNIL*[32] deals with the extraterritorial scope of the right to be forgotten. The French data protection authority (CNIL) argues that for an effective enforcement of the right to be forgotten, search results must also be de-listed from non-European domains. Google and intervening parties including Wikimedia, Microsoft and the reporters committee for freedom of the press argue that this would have a chilling effect on the Internet as a whole and may encourage authoritarian regimes to also enforce their laws extraterritorially.[33] The Advocate General for this specific case, which only deals with the de-listing of one natural person, does not recommend an extraterritorial application of the right to be forgotten. The AG does, however, support geo-blocking if the IP address is deemed to be located in one of the Member States[34] and notes that this case alone does not imply that EU law can never require a search engine to take action at a worldwide level.[35] The judgment in this case is expected later in 2019.

The EU Member States have a wide margin of appreciation in finding a balance between freedom of expression and the right to private life. [36]Article 85 of GDPR allows Member States to "reconcile the right to the protection of personal data pursuant to this Regulation with the right to freedom of expression and information". One

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[28] Ausloos, J. The 'Right to be Forgotten' – Worth remembering? Computer Law & Security Review, 2012, No. 28, pp. 143–152.

[29] See: Sartre, U. The right to be forgotten: balancing interests in the flux of time. International Journal of Law and Information Technology, No. 24, 2016, p. 80 and Pagallo U., Durante M. Legal Memories and the Right to be Forgotten. In: Floridi L. (ed.). Protection of Information and the Right to Privacy – A New Equilibrium? Springer Verlag, 2014, p. 19.

[30] Mayer-Schönberger V. Delete: The Virtue of Forgetting in the Digital Age, Princeton University Press, 2011, p. 87.

[31] Judgment of Court of Justice of the European Union, case No. C-210/06 *Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v. Wirtschaftsakademie Schleswig-Holstein GmbH*.

[32] Case No. C-507/17 *Google LLC v. Commission nationale de l'informatique et des libertes* (*CNIL*).

[33] Opinion of Advocate General Szpunar, case No. C-507/17 *Google LLC v. Commission nationale de l'informatique et des libertes (CNIL)*, para. 35.

[34] Ibid., para. 78.

[35] Ibid., para. 62.

[36] Fomperosa Rivero A. European Union Law Working Papers No. 19 "Right to Be Forgotten in the European Court of Justice Google Spain Case: The Right Balance of Privacy Rights, Procedure, and Extraterritoriality", p. 22. Available at: https://www-cdn.law.stanford.edu/wp-content/uploads/2017/02/fomperosa_eulawwp19.pdf [last viewed April 23, 2019].

way the laws can do so in the context of the right to be forgotten is through substantive guidance: identifying factors that weigh for or against erasure and de-listing when platforms assess RTBF requests.[37] Therefore, because of the lack of clear stance from the CJEU and the European legislator, Member States could decide themselves whether, for example, freedom of expression of internet intermediaries is one of these factors that should be taken into account in applying the RTBF. In the same way, they could apply their own understanding of the "public interest" clause. Too many moving parts are involved, therefore it is difficult to estimate the possible consequences of such a scenario, however, some of those definitely could lead to situation where in some Member States it is easier to claim the free speech exception of the right to be forgotten than in others.

Conclusions

As this paper tried to demonstrate, many questions remain open with regard to the right to be forgotten. If properly balanced, this right can enhance the freedom of expression through enabling individuals to avoid their past haunting them on the Internet. If freedom of expression is not taken into account sufficiently, the enforcement of the right is likely to have a chilling effect. Furthermore, questions remain on the scope of the right, the potential extraterritorial applicability and to what extent the ECtHR would be willing to enforce such a right in the future. The courts and legislators have plenty of work ahead until the right to be forgotten finds its place in the human rights landscape.

BIBLIOGRAPHY

Literature

1. Adams Shoor E. Narrowing the Right to Be Forgotten: Why the European Union Needs to Amend the Proposed Data Protection Regulation. Brooklyn Journal of International Law, Vol. 39, 20 January, 2014, pp. 487–521.
2. Article 19. Freedom of expression and ICTs: Overview of international standards. London: Article 19, 2013, p. 19.
3. Ausloos J. The 'Right to be Forgotten' – Worth remembering? In: Computer Law & Security Review, 2012, No. 28, pp. 143–152.
4. Carey P., Armstrong N., Lamont D., Quartermaine J. Media Law. 5th ed. London: Sweet & Maxwell, 2010.
5. Fomperosa Rivero A. European Union Law Working Papers No. 19 "Right to Be Forgotten in the European Court of Justice Google Spain Case: The Right Balance of Privacy Rights,

[37] Keller D. The GDPR and National Legislation: Relevant Articles for Private Platform Adjudication of "right to Be Forgotten" Requests. The Center for Internet and Society, 1 May 2017. Available at: https://inforrm.org/2017/05/05/the-gdpr-and-national-legislation-relevant-articles-for-private-platform-adjudication-of-right-to-be-forgotten-requests-daphne-keller/ [last viewed April 23, 2019].

Procedure, and Extraterritoriality". Available at: https://www-cdn.law.stanford.edu/wp-content/uploads/2017/02/fomperosa_eulawwp19.pdf [last viewed April 23, 2019].

6. Giurgiu A. Challenges of Regulating a Right to be forgotten with Particular Reference to Facebook. Masaryk University Journal of Law and Technology, Vol. 7:2, 29 November, 2013, pp. 361–378.
7. Keller D. The GDPR and National Legislation: Relevant Articles for Private Platform Adjudication of "Right to Be Forgotten" Requests. The Center for Internet and Society, 1 May 2017. Available at: https://inforrm.org/2017/05/05/the-gdpr-and-national-legislation-relevant-articles-for-private-platform-adjudication-of-right-to-be-forgotten-requests-daphne-keller/ [last viewed April 23, 2019].
8. Mayer-Schönberger V. Delete: The Virtue of Forgetting in the Digital Age. Princeton University Press, 2011.
9. McDowell P. Google wins 'Right to be Forgotten' case in Japanese Supreme Court Public's right to know -v- Individual's right to privacy. In: Lexology, 14 February 2017. Available at: https://www.lexology.com/library/detail.aspx?g=91c113d8-3184-4d5b-acd4-6f6af4360857 [last viewed April 23, 2019].
10. Pagallo U., Durante M. Legal Memories and the Right to be Forgotten. In: Floridi L. (ed.). Protection of Information and the Right to Privacy – A New Equilibrium? Springer Verlag, 2014, p. 19.
11. Rosen J. Symposium Issue: The Right to Be Forgotten. Stanford Law Review, 13 February 2012. Available at: http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten [last viewed April 23, 2019].
12. Santin M. The Problem of the Right to Be Forgotten From the Perspective of Self-regulation in Journalism. El profesional de la información, Vol. 26, 2017, pp. 303–310.
13. Sartre U. The right to be forgotten: balancing interests in the flux of time. International Journal of Law and Information Technology, No. 24, 2016, pp. 72–98.
14. Tomlinson H. and Wills A. "Case Law, Strasbourg: *ML and WW v Germany*, Article 8 right to be forgotten and the media". Available at: https://inforrm.org/2018/07/04/case-law-strasbourg-ml-and-ww-v-germany-article-8-right-to-be-forgotten-and-the-media-hugh-tomlinson-qc-and-aidan-wills/ [last viewed April 23, 2019].
15. Turkington R. C., Allen A. L. Privacy Law: Cases and Materials. 2nd ed. San Francisco: West Group, 2002.
16. Wagner M., Li-Reilly Y. The Right to be Forgotten. The Advocate, Vol. 72, 6 November, 2014, pp. 823–834.

Normative acts

17. General Data Protection Regulation. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN [last viewed April 23, 2019].

Court practice

18. Judgment of Court of Justice of the European Union, case No. C-131/12 *Google Spain and Google*.
19. Judgment of Court of Justice of the European Union, case No. C-210/06 *Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v. Wirtschaftsakademie Schleswig-Holstein GmbH*.
20. Judgment of Court of Justice of the European Union, case No. C-507/17 *Google LLC v. Commission nationale de l'informatique et des libertes (CNIL)*.

21. Judgment of European Court of Human Rights (Grand Chamber), case No. 64569/09 *Delfi AS v. Estonia*.
22. Judgment of European Court of Human Rights, case No. 12726/87 *Autronic AG v. Switzerland*.
23. Judgment of European Court of Human Rights, case No. 25576/04 *Flinkkilä and Others v. Finland*.
24. Judgment of European Court of Human Rights, case No. 3877/14 *Tamiz v. United Kingdom*.
25. Judgment of European Court of Human Rights, case No. 40397/12 *Fredrik Neij and Peter Sunde Kolmisoppi (The Pirate Bay) v. Sweden*.
26. Judgment of European Court of Human Rights, case No. 5493/72 *Handyside*.
27. Judgment of European Court of Human Rights, case No. 60798/10 and 65599/10 *M.L. and W.W. v. Germany*.
28. Judgment of United States District Court Middle District of Florida Fort Myers Division, case No. 2:14-cv-646-FtM-PAM-CM *e-ventures Worldwide, LLC v. Google Inc.*
29. Judgment of United States District Court for Western District of Oklahoma, case No. Civ-02-1457-M *Search King v. Google*.

Internet sources

30. A right to be remembered. UK Web Archive Blog, 21 July 2014. Available at: http://britishlibrary.typepad.co.uk/webarchive/2014/07/a-right-to-be-remembered.html [last viewed August 1, 2019].
31. European Parliament. Factsheets on the European Union - Human Rights. Available at: http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_6.4.1.html [last viewed August 1, 2019].
32. Human Rights Committee. General Comment No. 34, Article 19, para. 2. Available at: http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR-C-GC-34.pdf [last viewed August 1, 2019].
33. Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media. Council of Europe, 13 May 2013. Available at: https://www.osce.org/odihr/101403 [last viewed April 23, 2019].
34. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. 17 April 2013, para. 24. Available at: https://documents-dds-ny.un.org/doc/UN DOC/GEN/G13/133/03/PDF/G1313303.pdf?OpenElement [last viewed April 23, 2019].
35. The promotion, protection and enjoyment of human rights on the Internet. United Nations Human Rights Council, 30 June 2016. Available at: https://www.article19.org/data/files/Internet_Statement_Adopted.pdf [last viewed April 23, 2019].
36. UK House of Lords European Union Committee 2nd Report of Session 2014–15 EU Data Protection law: a 'right to be forgotten'? Available at: http://www.publications.parliament.uk/pa/ld201415/ldselect/ldeucom/40/4002.htm [last viewed April 23, 2019].
37. United Nations General Assembly Resolution 59 (I) of 14 December 1946 "Calling of an International Conference on Freedom of Information" Available at: http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/10/IMG/NR003310.pdf?OpenElement [last viewed April 23, 2019].