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Issued by the Article 29 Data Protection Working Party

The European data protection authorities, assembled in the Article 29 Working Party (WP29) at its 97th Plenary, discussed the follow-up to the ruling of the Court of Justice of the EU of 13 May 2014. As data controllers, the search engines must meet their obligations with respect to the CJEU ruling acknowledging the right to be “de-listed”. The European data protection authorities have agreed on a common ‘tool-box’ to ensure a coordinated approach to the handling of complaints resulting from search engines’ refusals to “de-list” complainants from their results.

At the WP29 Plenary meeting of 16-17 September, the European data protection authorities had an extensive exchange of views on the effects of the CJEU ruling recognising the right for an individual to have links removed from the list of results displayed following a search on the basis of a person’s name.

During the summer of 2014, data protection authorities in the EU have received complaints as a result of search engines’ refusals to de-list complainants from their results. This illustrates that the ruling has addressed a genuine demand for data protection from data subjects.

The WP29 feels it is necessary to have a coordinated and consistent approach in the handling of these complaints.

Therefore, it was decided to put in place a network of dedicated contact persons in order to develop common **case-handling criteria** to handle complaints by the data protection authorities. This network will provide the authorities with:

- a common **record of decisions** taken on complaints and
- a **dashboard** to help identify similar cases as well as new or more difficult cases.

The WP29 has also pursued its consultation process with the stakeholders: after meeting the search engines in July, they met with media companies at the margin of the WP29 Plenary.

The WP29 continues to analyse how search engines are complying with the ruling.

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/index_en.htm