

# Right to be Forgotten

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## In news

Ashutosh Kaushik, a television personality who rose to popularity in 2007 after winning MTV Roadies and then Bigg Boss the following year, has approached the Delhi high court for his 'right to be forgotten.'

## What is his demand?

- He requested the court that his videos, photographs and articles etc. be removed from the internet citing his "Right to be Forgotten".
- Because they have caused him psychological pain for diminutive acts.
- In his plea, Kaushik also maintains that the "Right to be Forgotten" goes in sync with the "Right to Privacy", which is an integral part of Article 21 of the Constitution, which concerns the right to life.
- Kaushik's plea refers to an incident from 2009 when he was held by the Mumbai traffic police for drunken driving.

## Meaning of 'Right to be Forgotten'

- The right to be forgotten is the right to have private information about a person be removed from Internet searches and other directories under some circumstances.
- In India, it falls under the purview of an individual's right to privacy, which is governed by the Personal Data Protection Bill that is yet to be passed by Parliament.
- The Right to Privacy was declared a fundamental right under article 19 by the Supreme Court in its landmark verdict in Puttaswamy case in 2017.

## **Personal Data Protection Bill on Right to be Forgotten**

- The Bill aims to set out provisions meant for the protection of the personal data of individuals.
- Clause 20 under Chapter V of this draft bill titled “Rights of Data Principal” mentions the “Right to be Forgotten.”
- It states that the data principal (the person to whom the data is related) shall have the right to restrict or prevent the continuing disclosure of his personal data by a data fiduciary.
- Under the Right to be forgotten, users can de-link, limit, delete or correct the disclosure of their personal information held by data fiduciaries.
- A data fiduciary means any person, including the State, a company, any juristic entity or any individual who alone or in conjunction with others determines the purpose and means of processing of personal data.
- The Information Technology Rules, 2011 which is the current regime governing digital data does not have any provisions relating to the right to be forgotten.

## **Right to be Forgotten in other countries**

- As per the Center for Internet and Society, the “right to be forgotten” gained prominence when the matter was referred to the Court of Justice of European Union (CJEC) in 2014 by a Spanish Court.
- In the European Union (EU), the right to be forgotten empowers individuals to ask organisations to delete their personal data.
- It is provided by the EU’s General Data Protection Regulation (GDPR), a law passed by the 28-member bloc in 2018.
- In its landmark ruling, the EU’s highest court ruled in 2019 that the ‘right to be forgotten’ under European law would not apply beyond the borders of EU member states.