A pledge to abolish the "Right to Be Forgotten"

The right to be forgotten, enshrined in EU law under the General Data Protection Regulation, gives individuals the ability to request the deletion of their personal data from an organisation. The right only applies to data held at the time the request is received. It does not apply to data that may be created in the future. However, the right to be forgotten, otherwise known as the right to erasure, can be used to request the removal of articles from search engine results. While this may not remove the articles from the internet entirely, individuals can request that search engines like Google delist certain results when their name is searched, making content harder to find. As the saying goes, “the safest place to hide a dead body is the second page of Google Search results.”

I believe in second chances, but I also believe it is up to individuals to decide whether they wish to give someone a second chance. While society can encourage second chances socially, culturally or through policy, I don’t believe the law should give someone a legal right to a second chance. Being deprived of making an informed decision based on that person’s right to erasure also contaminates other ideas, which should be non-negotiable, such as the right to freedom of expression or the right to information. Furthermore, the public has a legitimate right to know who they live next to, hire, date, or trust with their children.

The data saturation in 2025 means that we can no longer argue whether data about individuals should be accessible within the entirety of the internet; however, the extent of the data, for how long, to whom, and under what conditions can still be called into question. The right to be forgotten tests how much civil society is willing to trade transparency and public safety for the comfort of convicted individuals.

The principle that the public may access criminal records is not a digital anomaly—it is a democratic feature. In common law jurisdictions, open justice is foundational. In debating the balance between the potential value of access for the purposes of open justice and any potential harm to legitimate interests of others, Lord Justice Toulson stated in Guardian News

& Media Ltd v City of Westminster Magistrates' Court [2012] EWCA Civ 420: "Justice is not done in a corner nor in any covert manner." Similarly, the UK Supreme Court in R (on the application of C) v Secretary of State for Justice [2016] UKSC 2 upheld public protection as a legitimate reason to maintain and disclose criminal records, especially where safeguarding is concerned.

In the US, the First Amendment protects the press's right to publish lawfully obtained, truthful information, even about criminal convictions. In Cox Broadcasting Corp. v. Cohn [1975], the Supreme Court ruled that truthful public records cannot be censored, even if they cause reputational harm.

These precedents make clear: access to truth, even uncomfortable truth, is a public good.

Calls to grant convicted criminals a right to "disappear" online also undermine the proliferation of online safeguarding databases, from the UK's Disclosure and Barring Service to sex offender registries in the US, which exist to protect vulnerable groups. Allowing digital de-indexing of such information strips parents, employers, and communities of informed choice.

That said, there is a legitimate case for proportional privacy, especially when convictions are minor, decades old, or demonstrably irrelevant to current behaviour. The European Court of Human Rights has recognised this tension, ruling in MM v. The United Kingdom [2012] that retention of data beyond a necessary time frame can interfere with private life under Article 8 of the European Convention on Human Rights. There is no doubt that rehabilitation is real in many cases. However, a principled legal approach does not begin with deletion; it begins with case-by-case review, clear thresholds, and independent oversight. What is dangerous is the growing call for automatic de-indexing of criminal information, especially for serious or repeat offenders.

Advocates of the right to be forgotten argue that removing outdated criminal references from Google is not censorship, but curation. However, that is not exactly true. The ECJ's decision in Google Spain v. Costeja González [2014] forced search engines to consider requests from individuals to remove links to freely accessible web pages resulting from a search on their name if they were deemed "irrelevant or excessive." Since then, over 1.4 million delisting requests have been made in the EU.

Some requests are legitimate. However, others involve individuals convicted of fraud, violence, and sexual offences seeking to sanitise their digital footprint without legal scrutiny or public accountability. Is this a victory for privacy or a failure to give people access to information?

A responsible approach must uphold both the dignity of the reformed individual and the right of the public to make informed decisions. I propose differentiating between anonymity and rehabilitation. Rehabilitation should mean restored rights, not hidden records. The right to privacy is essential, but it is not a shield against truth. If our justice system is to function in a digital era, it must resist calls to obscure facts in the name of comfort.