

Thesis title

The right to be forgotten in the context of a modern concept of personal data protection

Abstract

The main topic of the thesis is the analysis of the right to be forgotten and its place in today's digital world and information society. In particular, the author discusses a different approach to the protection of personal data in Europe, in the United States of America and in Argentina within the context of the conflict between right to privacy and freedom of expression and right to free access to information. The author describes different conceptions of significance of these rights and different value ladder in connection in their mutual assessment.

Based on outlining the different approaches to aforementioned rights, the author examines the inclusion of the right to be forgotten within these legal cultures and consequently examines different forms of the right to be forgotten. Such forms are introduced in the context of privacy rights in the European union and presented in the way, how the legislation has been developing as the privacy laws evolved. Author closely examines the case-law of the Court of Justice of the European Union which is focused on right to be forgotten. Attention is also paid to the practical implementation of the right to be forgotten in accordance with the judgement of the Court of Justice of the European Union in Google v. Spain.

Moreover, the author analyses the current regulation of the right to be forgotten in the European union contained in the article 17 of the General Data Protection Regulation (GDPR) and describes what are the possibilities of application of the right in real life and how is it really exercised, focusing on the rights and obligations of the data subjects and data controllers. The author tries to answer some practical issues arising from the abovementioned regulation in connection with the right to be forgotten.

The subject of the thesis is scientific research of the right to be forgotten or rather similar forms of the right to be forgotten in the legal systems of the United States of the America. Author demonstrates rather deprecatory approach within the judicial practice which is illustrated in specific decisions. However, author also demonstrates an attempt to pass a

law on the right to be forgotten in New York State and an already effective law containing a right similar to the right to be forgotten in California.

At the end of the thesis, the author pays attention to the right to be forgotten in Argentina, which is gradually appearing more and more in the ratio decidendi of the lower courts, but also in the ratio decidendi of the Supreme Court of the Argentina. Moreover, it is stated in the thesis that the new law on personal data protection is currently being discussed in the parliament, which explicitly contains the right to be forgotten.

Key words

Right to be forgotten, freedom of expression, right to privacy