

Defining the Right to be Forgotten and its relationship with freedom of expression

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Abstract

Freedom of expression and dissemination of information is the bedrock of a free and democratic society. This freedom provides an avenue for public discourse as well as for the self-fulfillment and development of each individual. The risk of harm posed by content and communications on the Internet to the exercise and enjoyment of human rights and freedoms, particularly the right to respect for private life, is high. A new aspect, among many others consolidated over the years in national and international jurisprudence of the right to privacy, is the right to be forgotten. This right stems from a combination of the development of technology and the need to find a remedy in protecting the individual rights of each person. Since 2014, international courts such as the Court of Justice of the European Union and international instruments have started to tackle specifically with the right to be forgotten and thus, this work will try to interpret and explore these developments.

In this sense, the main objective of this manuscript is to give the definition of the right to be forgotten, the need for this right and its existence separately. Another issue is whether the right to be forgotten can be exercised only by natural persons. Lastly, the aim of this work is to analyze the place of the right to be forgotten in relation to other rights especially the balance with the right of the freedom of expression.

Keywords: The right to be forgotten, private life, personal data, deletion or anonymization, freedom of expression, GDPR.

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