

Protection of Personal Data on the Internet

14th legislative session

Written question n° 02145 from M. Roland Courteau (Aude - SOC)

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M. Roland Courteau draws to the Minister of Justice's attention to the protection of personal data and Internet privacy. Indeed, more recently, incidents affecting the privacy of social networks users have increased. It would be desirable that Internet users could have a more effective control over their personal data and be entitled to an effective "right to be forgotten" to erase entirely such data. Therefore, he asks the Minister to indicate what measures it intends to take to protect individual rights in this digital revolution which is just beginning.

Ministry of Justice's response

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So far, the "right to forgotten" is not enshrined, as such, by any text. This principle of "right to be forgotten" is essentially defined by its purpose: it's all about avoiding any risk of someone being durably affected by the use of data concerning the person without his or her knowledge, whether those data can be found on the web due to the person's own initiative or because of a third party's. Digital information comes in a wide variety of formats. Exchange of personal data is growing exponentially on social networks and there is high risk that the people affected by those data could lose control over them. Some of the data may not be always effectively erased in spite of the willingness of the user to do so, and these data may even reappear later on.

The French law on Data Protection and Freedom (*Loi Informatique et Liberté*) dated 6 January 1978 already grants some rights of deletion and rectification of data to anyone whose personal data have been collected and recorded.

In addition, France actively supports the provisions of the draft Regulation on protection of personal data proposed by the European Commission which create a "right to be forgotten" by ensuring that the regulation will not introduce a step backwards from the current state of French applicable rules for privacy and individual freedom.

This text is currently being reviewed by the Council. Article 17 thus provides that a person shall have the right to obtain deletion of his or her personal data and cessation of these data dissemination from the controller, especially if the individual does not anymore agree to their use.

The effectiveness of such a right depends on the quality of the control and implementation systems. During the European debate, France will pay particular attention to this aspect of the issue.