

Data Protection Ireland

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Headlines

- High Court begins to hear Schrems versus Facebook II, p.17
- Article 29 Working Party releases GDPR action plan for 2017, p.18
- EU starts adequacy talks with Japan and Korea, p.19

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Circuit Court champions man's right to be forgotten

Ireland's Circuit Court has ruled that a former election candidate was entitled to have information posted about him on Reddit removed by Google.

Mark Savage v the Data Protection Commissioner and Google Ireland Inc. saw the Circuit Court disagreeing with the Data Protection Commissioner that the fundamental rights and legitimate interests of the candidate, Mr Mark Savage, had not been prejudiced.

The case was borne of events in a 2014 election campaign. Mr Savage had

handed out leaflets during his campaign that referred to 'gay perverts cavorting in flagrante on the beach in broad daylight'. The leaflets were the subject of a Reddit thread that described Savage as 'North County Dublin's homophobic candidate'.

The link to the thread was listed in Google's search results when Mr Savage's name was entered into the search engine. He subsequently requested that this thread be de-indexed by Google arguing that it branded him as a homophobic.

Google refused to

de-index or remove the content, a decision which Mr Savage appealed to the Data Protection Commissioner, who found that there had been no contravention by Google of the Data Protection Acts 1988 and 2003. The DPC's decision was based on the fact that an internet user seeking out information on the local elections is unlikely to consult an online discussion forum as a source of verified facts.

Unlike the DPC, Justice Sheehan was of the view that, given the manner in

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Trump's Order threatens safety of EU-US Privacy Shield

An Executive Order signed by US President Trump during his first few days in office may jeopardize the recently agreed EU/US Privacy Shield.

The Enhancing Public Safety in the Interior of the United States Order — aimed at enhancing domestic enforcement of US immigration laws — reads that: "agencies shall, to the extent consistent with applicable law,

ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information."

MEP Jan Philipp Albrecht, the European Parliament's Rapporteur on data protection regulation, suggested that this wording in the Order could be a major prob-

lem for the Shield, and that there might also be ramifications for the EU-US Umbrella agreement governing law enforcement. Other EU officials have played down the impact of the Order.

EU Justice Commissioner Věra Jourová recently said that she wants to meet with the Trump administration as soon as possible to discuss

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