Chapter 7
Navigating the Digital Dilemma: The Right to Be Forgotten, Privacy, and Freedom of Speech in the Age of GDPR

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ABSTRACT

The 2014 Google Spain lawsuit was a major European Court ruling. It indicated that online name searches yield personal information. Google and other search engine operators must remove or prevent search results that breach privacy rights. The "right to forget" lets users remove their personal information from search engine results. Your internet privacy isn't completely protected. Technology changes quickly, making it hard for laws to stay up. The right to be forgotten is criticized for its deceptive nomenclature and inconsistent application. European websites may remove information, but non-European sites (like the US) may not. This right may also limit free speech. The chapter discusses the "right to be forgotten" from the new GDPR perspective. They are testing whether this right gives internet users more control over their data. It conflicts with privacy and free speech. It's considerably difficult since private firms, whose major objective is to make money, have a say, raising problems about our rights.

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INTRODUCTION

The legislation faces difficulties due to the quick development of artificial intelligence and technology, especially when resolving the intricate problems related to internet privacy. Laws now in place frequently fail to keep up with the times, particularly in the internet age, where privacy breaches are increasingly common because information can be accessed quickly and easily. In May 2014, the Court of Justice of the European Union rendered a landmark decision in the *Google Spain* and *Google Inc. v. Agencia Española de Protección de Datos and Mario González* case, marking a significant advancement in protecting personal data (*Google Spain SL v. Agencia Española de Protección de Datos*, 2014). The "*right to be forgotten*," which permits people to ask for the removal of information about them if it is freely accessible and causes them damage, was established by this important ruling. Though the idea is not wholly novel, this ruling made it a legally recognized right (Gruschka et al., 2018).

The extant Directive on protecting personal data, created before the development of contemporary search engines, has unclear language that makes it difficult to apply and interpret. Furthermore, it gives EU members the freedom to enact their laws, which could result in differing degrees of protection for people in various nations (Erdos, 2021). The General Data Protection Regulation (GDPR) was suggested by the European Commission in 2012 as a solution to these problems, and it replaced the previous Regulation in 2018. The GDPR prioritizes privacy over freedom of speech and gives citizens the right to be "*forgotten*" online. It is applicable throughout the European Union. It is unclear, nevertheless, to what degree this right can be used to erase all publicly available data, just the personal data that third parties or both processes. Even after the GDPR went into effect, there are still restrictions on cross-border data transfers. Global websites like google.com are not covered under the "*right to be forgotten*," which only applies to European web browsers (Kulhari, 2018). This has produced a global conversation about internet privacy. Proponents contend this strikes a compromise between individual privacy and public access to information, while detractors—particularly in the USA, where free speech is highly valued—see it as a danger. The effect this privilege has on jurisprudence will become clear in the upcoming years (Jones, 2013).

These hypotheses are as follows:

H_1- The right to be forgotten or deleted does not mean that the new GDPR ensures the complete deletion of data from the Internet. Although the GDPR is a welcome attempt to protect individuals from invasions of privacy, on the other hand, it represents a form of censorship.

H_2- The collision between the EU and the USA regulations occurs due to the significantly different importance of the two regulations on the right to privacy. The right to private life is weighted in the EU system, while freedom of speech occupies a more important place in the US system.

METHODOLOGY

The work mainly uses the method of analysis and synthesis, the inductive and deductive methods, the description method, the comparative method, and the compilation method. The analysis method breaks down the concept of the right to be forgotten into simpler components. Within this framework, the chapter (in addition to the concept of the right to be forgotten) analyzes other concepts closely related to the right to be forgotten. It concerns the right to erasure and process personal data (Smits, 2015). The inductive method is used in places where jurisprudence is analyzed. In these places, by inferring from