

Google Braced for England's First 'Right to Be Forgotten' Trial

By Kaye Wiggins , Stephanie Bodoni , and Jeremy Hodges

GOOGLE IS THE DEMOCRATS PERSONAL CHARACTER ASSASSINATION TOOL. NOW GOOGLE HAS TO PAY FOR THEIR CRIMES AGAINST THE PUBLIC

High Court hearing over old convictions will start in February

Tech giant says it'll defend the public's right to information

Google Inc. is bracing for its first battle in a London court over the so-called "right to be forgotten."

Two anonymous people want the search engine to take down links to information about their old convictions. Both describe themselves in their court filings as businessmen. One was convicted of conspiracy to account falsely, and the other was convicted of conspiracy to intercept communications, but they have served their sentences, Judge Matthew Nicklin said at a pre-trial hearing Thursday.

"This is the first time that the English court is going to decide the issue of the right to be forgotten," Nicklin said.

The tech giant has already become embroiled in battles at the European Union's top court over the right to be forgotten. The principle -- created by the EU's highest court in a precedent-setting ruling in May 2014 -- allows people to ask for links to online information about them to be

removed from search engine results if it's outdated or irrelevant. The ruling is only valid in the 28-nation bloc, but Google has clashed with privacy regulators over attempts to apply it beyond the EU.

“We work hard to comply with the right to be forgotten, but we take great care not to remove search results that are clearly in the public interest and will defend the public's right to access lawful information,” a Google spokeswoman said.

Lawyers for the plaintiffs didn't immediately comment.

'Not Celebrities'

Judge Nicklin said Thursday that the two cases were not related but both raised the same legal issues. The first trial, in which the person challenging Google to remove information is known as NT1, will start on Feb. 27 and the second, in which the plaintiff is known as NT2, will start on March 13. Nicklin said the plaintiffs weren't celebrities or politicians and have been “rehabilitated” since their convictions.

NT1 has been threatened in public places by people referring to the content that Google links to, “and seeking to extract money from him in consequence,” his court filings say. He “has been and continues to be treated as a pariah in his personal, business and social life and has been unable to form any new friendships or personal relationships,” they say.

NT2's papers say some financial institutions are unwilling to deal with him “on private or commercial business” after looking him up on Google. The search engine results have attracted “adverse attention” to him and by association to members of his close family.

The case concerns an “area of the law in which two human rights come into conflict,” Nicklin said in a pre-trial ruling. “The right to be forgotten is a dimension of the right to privacy and it conflicts with the right of freedom of expression.”

The plaintiffs are being represented by the law firm Carter Ruck, which specializes in defending clients in privacy and libel actions. It was one of the first firms to use super-injunctions, court orders that prevent publication of any confidential information relating to a person or an issue and also any existence of the order itself.

The plaintiffs’ court papers say that revealing their identity would “defeat the object of the claims.”

Google has publicly raised the alarm about risks to freedom of speech that it says are posed by the right to be forgotten. Two separate European Court of Justice cases about that right “represent a serious assault on the public’s right to access lawful information,” the tech giant’s general counsel, Kent Walker, said in a blog post in November.

The cases are: NT1 v. Google and NT2 v. Google, High Court of Justice, Queen’s Bench Division, Case No.’s HQ15X04128 and HQ15X04127.