



What's Considered a Threat in the Digital Age?

by Jodi L. Miller

Have you ever read a Facebook post and wondered what the poster meant? Was it a joke? Sometimes with social media it's hard to tell.

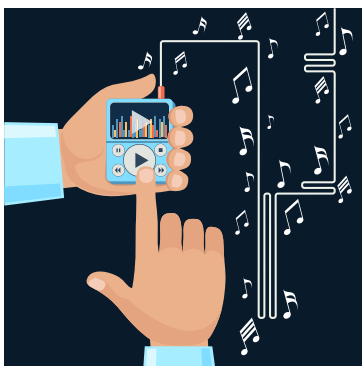
For example, what would you think of the following post if it were directed toward you? “There’s one way to love you but a thousand ways to kill you. I’m not going to rest until

CONTINUED ON PAGE 6



Streaming—Innovative for Music Fans, Artistic Benefit Not Clear

by Cheryl Baisden



The next time you pop in your earbuds to stream a little Ariana Grande, Ed Sheeran or The Weekend on Spotify, or check out the newest One Direction release on Pandora or Google Play, you may want to ask yourself a few questions: If you can listen to your favorite singers and bands for free, why would you pay for their music? And if you don't buy CDs or pay to download music, how will your favorite singers and songwriters make a living?

CONTINUED ON PAGE 4

CONTINUED ON PAGE 4

What Europe's 'Right to Be Forgotten' Law Means for the U.S.

by Phyllis Raybin Emert

In a world where everything seems to be recorded on a smart phone and uploaded to YouTube in minutes, should anyone have an expectation of privacy? It depends on where you live.

In May 2014 a European Court of Justice ruling took effect requiring search engines like Google, the U.S.-based company



(and others like Bing and Yahoo) to allow individuals to request removal of search results on the Internet that linked to their names. The ruling stated that there is a “right to be forgotten” if the information is “inaccurate, inadequate, irrelevant or excessive” unless there is a public interest involved. Currently, the decision affects only the 28 European Union (EU) countries; however, in July 2014 European privacy regulators recommended that Google (which handles 80 to 90 percent of European Internet searches) remove the information, not only from its sites like google.de (Germany) or google.fr (France), but also from the worldwide Google.com that Americans access.

The lawsuit

The European ruling stems from a 2010 lawsuit brought against Google by Mario Costeja Gonzalez, a Spanish attorney. In 1998, *La Vanguardia*, a newspaper in Spain, published two notices of a house auction to pay off the attorney's debts. Costeja paid what he owed and cleared his record. A few years later, *La Vanguardia* went digital. Costeja noticed that when he did a Google search of his name, the first

CONTINUED ON PAGE 5



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Reading, Writing, Arithmetic... and Social Media?

by Barbara Sheehan

What's the first thing you do when you get home from school? Maybe you pull out your cellphone, snap a selfie and see how many likes you received on your most recent Instagram photo. Without a doubt, social media has revolutionized the way we communicate with others, allowing us to connect with people and express ourselves in ways that we never could before.

Some New Jersey lawmakers were concerned about where that freedom of expression on sites like Facebook, Snapchat and Instagram could lead New Jersey students. In January 2014, New Jersey became the first state to enact a law requiring social media education in middle school. The law, supported by the New Jersey Education Association, the New Jersey Association of School Librarians, the New Jersey School Board Association, the New Jersey Association of School Administrators and the Girl Scout Council of New Jersey, requires that school districts provide instruction on the responsible use of social media for students in grades six through eight as part of the Core Curriculum Content Standards in Technology. Nationwide other school districts provide classes on responsible technology use, but New Jersey is the first to pass a social media education law.

"Kids should never be held back later in life because of their social media use today. It is our job to prepare students for the professional world, one that increasingly takes place online," New Jersey Assemblyman Angel Fuentes, the bill's sponsor, told *District Administration* magazine. "Strategic social media use can build bridges just as easily as inappropriate social media use can build walls."

The facts

Is teaching social media in school really necessary?

"In this ever-changing digital world where citizenship is being re-imagined, our students must be able to harness the power of technology to live, solve problems and learn in college, on the job and throughout their lives," says David Saenz Jr., Deputy Press Secretary of the New Jersey Department of Education. "Enabled with digital and civic citizenship skills, students are empowered to be responsible members of today's diverse global society. Educating students on the use of social media platforms builds upon New Jersey's technology standards and represents a logical evolution of digital training."

For better or worse, young people are sharing more and more information about themselves on social media sites, according to a 2013 Pew Research Center survey. The survey of more than 800 teens revealed that 91 percent of them had posted a photo of themselves online, up from 79 percent in 2006. The survey also revealed that 71 percent had posted their school name, up from 49 percent; and 71 percent posted the city or town where they live, up from 61 percent in 2006.

In addition, according to statistics from DoSomething.org, one of the largest organizations for young people and social change, nearly 43 percent of kids have been bullied online and 81 percent of young people think bullying online is easier to get away with than bullying in person.

"Our research shows that kids don't see their online life as different from their offline life," Rebecca Randall, vice president of education programs at Common Sense Media, a nonprofit organization that helps educators

CONTINUED ON PAGE 3

and students navigate the digital world, told *District Administration*. “They need the skills to know how to engage online, and especially with social media, to be smart, ethical, and responsible.”

Your district, your values

So, does this mean that you will be taught in school how to send a Tweet or set up a Facebook page? Not exactly. Under New Jersey’s social media education law, the Commissioner of Education is required to provide school districts with sample learning activities and resources designed to promote the responsible use of social media in areas such as cyber safety, cyber ethics and cyber bullying, among others.

Saenz Jr. explains that the state creates the standards, and the districts interpret these standards through the curriculum they develop at the local level. In this way, school districts can tailor their lessons to reflect the values of their communities, notes David Rubin, a school district attorney.

According to Rubin, most school districts already realized that social media sites are where kids are communicating with each other and had some kind of technical education program in place. This new statute reinforces this education and enables districts to do so in a way that works for them, he says.

Here today, here tomorrow

At Piscataway’s Quibblatown Middle School, where Rubin is the school district attorney, Deidre Ortiz, the school’s principal, explains that teachers and administration in her district began focusing on Internet safety and social media awareness well before the 2014 social media education law was passed.

Keeping on top of this issue has been especially important in implementing the district’s 1:1 iPad

program, Ortiz notes. The program started several years ago and provides middle school students with the use of an iPad. Through that program—as well as through the district’s broader technology education curriculum—the school conducts Internet safety meetings for parents, lessons for students, and has an iPad agreement to promote safe and responsible iPad use.

Ortiz thinks that kids “get trapped into thinking that [the Internet] is a safe place to be.” She contends that people are inclined to say things in a



text or post that they would never say to someone’s face. Or, they may not necessarily recognize bullying when it is happening.

Rubin also points out that privacy settings don’t always provide the protection students think they do. With this in mind, he reminds students to monitor the things they say online. Once you put it out there, it’s out there forever. It could wind up on your principal’s desk, or somewhere else unexpected.

The college question

As many older students are realizing, representatives from the colleges they pursue could potentially view their social media postings. According to a 2014 survey of college admissions officers conducted by Kaplan Test Prep, a provider of educational and career services, “Over a third of college admissions

officers have visited an applicant’s social media page to learn more about them.” In doing so, 35 percent said they “found something that negatively impacted an applicant’s chances of getting in.” That figure is up from 12 percent in 2013.

Dan Reigel, Associate Director in the Office of Admissions at Rowan University, said his school doesn’t review social media as part of its admissions process. And, while Martin A. Mbugua, a representative from Princeton University, said they generally do not review students’ social media profiles either, if something is brought to their attention—positive or negative—the university would review it.

Spreading love, not hate

When it comes to social media and young people, a lot of attention is focused on the bad things that can happen, but what about all the good things social media can do?

High school student Samantha Goodyear shared her thoughts on that topic for a *Huffington Post* Teen blog. Goodyear acknowledged that there are problems online, including cyber bullying; however the overall theme of her blog was to point out that the Internet can be used for good.

“Instead of discouraging youth in our use of the Internet, I think people should start encouraging us to use it for the right reasons instead of the wrong ones,” Goodyear wrote. “The youth of today have a voice like we never had before. Social media can be an awesome environment to encourage each other, communicate with people and share our stories.... Having the freedom to say what we want on the Internet makes us feel heard. That can be such a powerful feeling, and I think it’s a really important one for teenagers to have.”

Perhaps New Jersey’s required social media education will give students the skills needed to harness that power more effectively.

Those are the questions presently plaguing the music industry. And how they are ultimately settled will directly impact how you access music in the future.

How music streaming works

In most cases, once you download a music-streaming app you can access songs for free, based on certain rules set up by the streaming service, or for a small monthly fee you can have unrestricted access to all of the music in the service's library.

In order to distribute music to their listeners, streaming services like Spotify, Pandora and Google Play, to name a few, have to obtain written permission, or licenses, from the copyright owners of the music, which is generally the music publishing company or record company. Under these licensing agreements, **royalties** are paid by the streaming service whenever a song is played. Those royalties are then divided among the various parties involved in the recording, based on a pre-determined formula.

"The streaming services primarily make money through subscription fees and by selling advertising and commercials," says Steven Schechter, an entertainment lawyer in Fair Lawn. "They also accumulate a lot of data about their users and are able to track their users and sell that information."

While music-streaming services have millions of users, industry statistics indicate only a small percentage of them are paid subscribers. For example, only an estimated five million of Pandora's 80 million users pay for the service. In Spotify's case, they have more than 75 million users, but only 20 million actual subscribers.

"The streaming services initially marketed themselves to the music industry as a way to combat piracy and illegal downloads, and to create a new revenue stream for record companies, songwriters and artists," explains Schechter. But low subscriber revenue results in low royalty payments. In fact, according to Spotify, royalty payments average less than a penny per play, and that fraction of a cent is divided among several parties, including the record company, artist and songwriter. The Bon Jovi megahit

"Livin' on a Prayer" is a great example—over six million streams on Pandora earned songwriter Desmond Child just \$110.

A Swift move fuels the fire

Although there have been concerns raised by the music industry over streaming revenue distribution for some time, it was a dramatic move by singer-songwriter Taylor Swift in November 2014 that fueled the fire that may actually spark a change.

Swift, whose last three albums sold more than a million copies in their first week of release and is estimated by Forbes to be worth \$200 million, pulled all of her music

from Spotify when the company refused to limit free access to her most recent album to the non-U.S. market. Her motivation, she said, was to bring attention to the fact that artists are not earning a living wage from their work under the existing system.

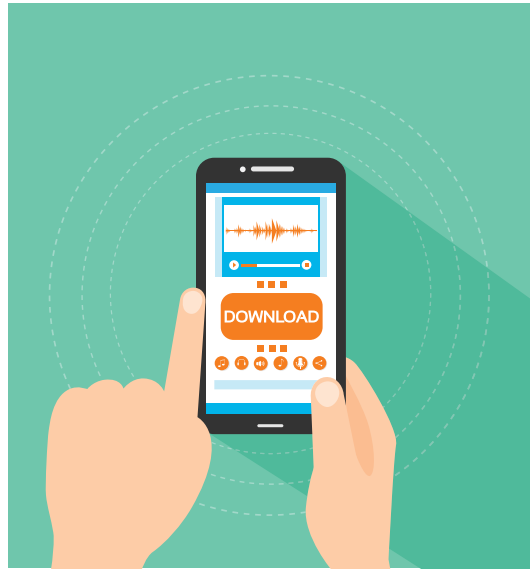
"Music is art, and art is important and rare. Important, rare things are valuable. Valuable things should be paid for," Swift wrote in a *Wall Street Journal* editorial.

Singer-songwriter Aloe Blacc echoed Swift's sentiment in an editorial for *Wired*. "I, for one, can no longer stand on the sidelines and

watch as the vast majority of songwriters are left out in the cold, while streaming company executives build their fortunes in stock options and bonuses on the back of our hard work. Songwriting is truly a labor of love, one that often does not result in wealth. But I know the work we create has real value. And I believe policy makers will one day recognize that a system that allows digital streaming services to enjoy enormous profits while music creators struggle is imbalanced and broken."

According to Blacc, it takes roughly a million streams on Pandora for a songwriter to earn \$90. The 2013 megahit song "Wake Me Up," which he co-wrote and sang, was the most streamed song in the history of Spotify at the time, and the 13th most played song on Pandora, with over 168 million streams in the U.S. Blacc reported he earned less than \$4,000 from those streams after shares were distributed to his co-writer and the record company.

"If that's what's now considered a streaming 'success story,' is it any wonder so many songwriters are now struggling to make ends meet?..." Blacc wrote. "The reality is that people are consuming music in a completely different way today. Purchasing and downloading songs have given way to streaming, and as a result, the revenue streams that songwriters relied upon for years to make a living are now drying up."



Taking a bite out of Apple

Swift is in the unusual position of being able to control distribution more than most artists, since her family is part owner of her recording company, notes Schechter. She has taken full advantage of her position to champion artists' rights. Earlier this year, when Apple announced plans to launch its new streaming service, Apple Music, with a free three-month introductory offer for listeners, she turned to social media to voice her protest.

"We don't ask you for free iPhones. Please don't ask us to provide you with our music without compensation," she wrote on her Tumblr page, threatening to hold back her latest album, "1989," from Apple's service.

Within 24 hours, Apple announced it would pay royalties during the three-month free trial period, which began June 30. Following the trial period listeners can access Apple's music library by paying \$10 per month; there will be no free streaming option, and the company has announced that 71.5 percent of revenues will go to royalties.

Recently there have also been indications that in 2016 Spotify may be offering exclusive content to subscribers, and that free users would only be able to access one or two songs from an album.

In order for real change to take place, government intervention may be needed.

Looking at the law

Under existing law, royalties are collected and distributed to songwriters and publishers through two organizations—the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music Inc. (BMI)—based on a system that was established in 1941. The system limits licensing opportunities and rates, and wasn't designed to handle streaming.

"There's a lack of transparency and information provided by the streaming services to the music labels and artists about exactly how many people are streaming or listening to the music and/or how much money the streaming

service is making," says Schechter. "Also, for a long time, recording artists and composers made money from the sale of albums or CDs, which contained many songs and sold for several dollars. New technologies permit streaming or downloading of only a single song, which results in less money for the artist or composer, even when they are being paid for the download of their song."

The U.S. Department of Justice is reviewing the ASCAP and BMI consent decrees that govern how American songwriters are compensated. And two bills were introduced in March that would impact royalties: The Songwriter Equity Act of 2015 would make changes in the Copyright Act regarding digital royalty rates and the Allocation for Music Producers Act would clarify aspects of collecting royalties.

What does the future hold?

Although it is still in its infancy, music streaming is being viewed as the future of music distribution, according to industry experts. New streaming services continue to pop up, the most recent being Jay Z's Tidal. Last year, download sales dropped eight percent over the previous year, and streaming subscription income rose by 39 percent, according to the International Federation of the Phonographic Industry. Estimates are that digital download revenue will drop by 39 percent through 2019, and streaming revenue will increase by 238 percent.

"While no one can be certain what will happen with streaming issues, the United States Copyright Office recently prepared a report of proposed changes to copyright law and regulations to attempt to help make the music licensing process more efficient and to enable music publishers and performing artists to more easily obtain information about how and how often their musical works are being used and the monies they are generating," says Schechter. "It appears likely that there will be some changes made to address these issues in the future."

'Right to Be Forgotten' CONTINUED FROM PAGE 1

result on the list was the newspaper article regarding his house being auctioned, despite the fact that the information was outdated and he no longer had any liabilities. This caused him embarrassment, as well as problems at work. Costeja claimed that the search results violated his right of privacy because the incident was now irrelevant.

In 2010, after Google refused to remove the information, Costeja

turned to the Spanish Data Protection Agency. The claim against Google was then referred to the Court of Justice of the European Union. In its May 2014 ruling the EU court declared, "EU data protection law applies and so does the right to be forgotten... Individuals have the right—under certain conditions—to ask search engines to remove links with personal information about them...." The EU Court stated that the right to be

forgotten "will always need to be balanced against other fundamental rights such as the freedom of expression and the media [on a] case-by-case assessment."

The Court also noted that "non-European companies, [such as Google] when offering services to European consumers, must apply European rules" and "the burden of proof... is for the company—and

CONTINUED ON PAGE 7

your body is a mess, soaked in blood and dying from all the little cuts.”

Or, how about this? “That’s it, I’ve had about enough/ I’m checking out and making a name for myself/ Enough elementary schools in a ten mile radius/ to initiate the most heinous school shooting ever imagined/ and hell hath no fury like a crazy man in a kindergarten class/ the only question is...which one?”

Anthony Elonis, a Pennsylvania man, posted both of these items, among others, to his Facebook page. The first posting was specifically directed toward Elonis’s estranged wife, who had left him, taking their two kids with her. The second item prompted a visit by an FBI agent to investigate a potential elementary school threat. Afterward, Elonis posted the following: “Little agent lady stood so close, took all the strength I had not to turn the b**ch ghost. Pull my knife, flick my wrist and slit her throat.”

In addition, Elonis posted graphically violent lyrics about his co-workers, which led to his being fired from his amusement park job. After his ex-wife obtained a restraining order against him, Elonis posted: “Fold up your PFA [protection-from-abuse order] and put it in your pocket. Is it thick enough to stop a bullet?”

In his defense, Elonis, who had changed his Facebook user name to Tone-Dougie, a rap alias, claimed the lyrics were “therapeutic” and posted, “Art is about pushing limits.” He cited rapper Eminem, known for his violent lyrics, as a musical influence.

Elonis was convicted on four counts of violating the federal threats statute and sentenced to 44 months in jail. He served three years. The Third Circuit Court of Appeals had upheld his conviction; however, in June 2015, the U.S. Supreme Court overturned his conviction and sent the case back to the lower court for re-evaluation under a stricter standard.

What the Supreme Court said

The standard the lower court and the appeals court used in the case was the objective test of a threat. According to New Brunswick attorney Kimberly Yonta, a former prosecutor, the objective test of a threat is based on whether a reasonable person would feel threatened in the victim’s place.

The trial judge in the case told jurors before **deliberation** that the only thing prosecutors needed to prove in order to convict Elonis was that he “intentionally made the communication, not that he intended to make a threat” and that

a “reasonable person” would consider the statements as “a serious expression of an intention to inflict bodily injury or take the life of an individual.”

Elonis’s petition to the U.S. Supreme Court states, “Although the language was—as with popular rap songs addressing the same themes—sometimes violent, petitioner [Elonis] posted explicit disclaimers in his profile explaining that his posts were ‘fictitious lyrics,’ and he was ‘only exercising [his] constitutional right to freedom of speech.’”

Chief Justice John Roberts Jr. wrote in the Court’s majority opinion, “Federal criminal liability does not turn solely on the results of an act without considering the defendant’s mental state....Wrongdoing must be conscious to be criminal.” In other words, Elonis’s intent matters as well.

“**Negligence** is not sufficient to support a conviction,” the chief justice wrote. “Elonis’s conviction was premised

solely on how his posts would be understood by a reasonable person....Having liability turn on whether a ‘reasonable person’ regards the communication as a threat—regardless of what the defendant thinks—reduces culpability on the all-important element of the crime to negligence.”

While many consider it harder to prove intent at this stricter standard, especially on social media where there seems to be a distance between the abuser and the victim, Yonta believes it is still possible. A prosecutor can argue that a threat on social media is similar to that of a voicemail or email message, she says. In proving intent, Yonta says that is where “the facts or circumstances of the relationship come into play and can be used to show the state of mind and purpose of the defendant and the fear of the victim.”

Leaving confusion

While the Court’s decision was 7 to 2, Justice Samuel Alito only dissented in part. In a separate opinion Justice Alito wrote, “The Court holds that the jury instructions in this case were defective because they required only negligence in conveying a threat. But the Court refuses to explain what type of intent was necessary.... Attorneys and judges are left to guess.”

In his **dissenting opinion**, Justice Clarence Thomas wrote, “This failure to decide throws everyone from appellate judges to everyday Facebook users into a state of uncertainty.”



The Court's ruling disturbed many advocates for victims of domestic violence and other violent crimes.

"We have stalking statutes all over the country that are based on a reasonable person versus proving the intent of the stalker or abuser," Cindy Southworth, vice president of the National Network to End Domestic Violence, told National Public Radio (NPR). "So, I'm quite concerned about what ripple impact this may have on other statutes and other prosecutions if we have to somehow get into the mind of an abuser."

Blow or bonus for free speech

The First Amendment to the U.S. Constitution states: "Congress shall make no law...abridging the freedom of speech or of the press;..." There are currently only six recognized exceptions to the free speech rule and, as Justice Sonia Sotomayor noted during oral arguments in the *Elonis* case, the Court has been "loath to create more exceptions to the First Amendment."

In its decision, the Court did not rule on Elonis's contention that his free speech rights were infringed. Many were disappointed that the Court did not clarify this point, while others didn't believe it was a free speech issue.

"Anytime the court is ruling on a case involving the speech of an individual (online or otherwise), it is a free speech issue," says Jeffrey Neu, a Red Bank attorney who specializes in technology, media and Internet matters. "That being said, this type of speech is on the border of speech that is at the very minimum not protected, and at a maximum, illegal. The Court, however, sidestepped any free speech, First Amendment issues and focused on

the issue of intent and the inability to determine intent in this instance. To some degree, this may have broader implications on criminal law than it does on free speech matters."

Yonta doesn't see the free speech connection. "I do not think Elonis's words are protected as a freedom of speech because when words and speech are used to invoke fear in others, it is not only hurtful, but may be considered illegal," she says.

A cautionary tale

Both Yonta and Neu agree that the *Elonis* ruling should be seen as a cautionary tale to social media users.

"Prosecutors in general are taking much harsher stances on social media posters than ever before," Neu says. "It seemed previously that what individuals did online, they did with almost pure anonymity. That protection is slowly disappearing."

Yonta points out that "even something posted as a joke or in jest" could be shown later to be a legitimate threat once the facts of the relationship between the person making the threat and the alleged victim are revealed.

It's important for people to recognize the effect that words can have, Neu says, which sometimes can go beyond what was intended. He points out that the posting of text "does not convey true emotion or intent to act very well, so people can interpret the same statements very differently."

He also notes that the higher standard imposed by the Court might have protected Elonis in this criminal case, but a civil case most likely would be less stringent. 🏴

'Right to Be Forgotten' CONTINUED FROM PAGE 5

not the individual – to prove that the data cannot be deleted because it is still needed or is still relevant." The decision allows "data protection authorities to impose fines of up to two percent of annual worldwide turnover [global profit] where companies do not respect the rights of citizens, such as the right to be forgotten." In addition to the right of freedom of expression, the decision noted that specific limitations to the right to be forgotten are "...the interests of public health as well as cases in which data is processed for historical, statistical and scientific purposes."

USA vs. Europe

The EU ruling set off a debate between Americans and Europeans about the right to be forgotten and the role of global search engines like Google. An editorial in *The Economist* noted, "America allows almost no exceptions to the first amendment, which guarantees freedom of speech. Europe, not least because of its experiences of **fascism** and **communism**, champions privacy." American law allows privacy protection regarding the disclosure of medical information and educational records, but the media has the right to publish newsworthy information.

"Generally, there is no right to be forgotten in United States

law, particularly when it comes to public dissemination of information by media entities," says Professor Bernard W. Bell, who teaches courses in constitutional law and privacy law at Rutgers Law School—Newark. "While a few cases involving unusual circumstances have found that newspapers or magazines have published private facts (and are liable for damages as a result), it's very rare for a person to win such a case."

Professor Bell explains that the situation is similar on the Internet. "There may be some chance that individuals might win publication of private facts cases against individuals not associated with the

CONTINUED ON PAGE 8

media, but it is not likely to happen against media outlets,” Professor Bell says. “The United States has a much stronger commitment to freedom of speech and to there being an extremely broad range of information that is ‘newsworthy,’ or at least of public concern...In the law, the commitment to free speech almost always wins out.”

Lisa Fleisher, who covers tech issues for *The Wall Street Journal*, wrote in an article that Americans and Europeans “are starting in opposite places...when it comes to free speech and privacy. In the U.S., schoolchildren are taught that free speech is an **inalienable** right under the First Amendment of the Constitution. In the EU...the law is rooted in...protecting dignity, privacy and...personal data.”

For example, hate speech is banned in Europe, but allowed in the United States, where it is countered by more speech.

Professor Bell believes that support for the right to be forgotten may depend on a person’s generation. “I asked law students in my Constitutional Law class if they believed they had a right of privacy in trash bags put on the curb for pick up by the Sanitation Department. Almost none of them thought there was any such right, and they did not seem to be concerned about the lack of such a right,” Professor Bell says. “This reminded me of how much privacy the younger generation seems willing to give up. Or perhaps they understand better than my generation that the severe diminution [decrease] of privacy in the modern world is simply inevitable.”

Google’s role

With the EU ruling, instead of being a directory for information, Google has been put into the role of controlling the subject matter

of the directory. Google has tried to comply with the ruling but finds it has to decide which requests should be honored and which should be turned down. In the process, Google has spent large amounts of money and manpower, effectively practicing



copyright. A staff of employees, including lawyers and scholars, review the requests, where the privacy right of the individual is compared with the public’s right to access information.

The EU ruling provided no guidelines as to what defines a public figure or a celebrity, or how many years have to pass before information on the Internet is irrelevant. Through 2014, Google received nearly 175,000 requests for removal of more than 600,000 search results and has approved around 42 percent of them. Representatives from Google and other search engines have stated they are uncomfortable with this censorship role and free speech advocates worry the companies will lean toward removing material to avoid paying penalties.

“This could transform Google, for example, into a censor-in-chief for the European Union, rather than a neutral platform,” Jeffrey Rosen, professor of law at George Washington University, wrote in a *Stanford Law Review* article.

In an op-ed piece for *U.S. News & World Report’s* Debate Club, John Simpson, a consumer advocate for Consumer Watchdog, wrote, “[The right to be forgotten] is not

censorship. It simply restores an element of ‘privacy by obscurity’ to the digital age.”

Problem with “forgetting”

Various countries or regions may establish their own laws concerning the right to be forgotten and determine which information their own citizens are allowed to access. The Internet may no longer be a world wide web sharing the same information throughout the globe, but different information in every country.

“I’m troubled by any country seeking to control content on the Internet, and essentially imposing their policy with regard to free speech versus privacy on the remainder of the world,” Professor Bell says. “Ultimately...I suspect that this effort to control Internet content...may well prove futile.”



communism—a social system where there are no classes or private ownerships.

deliberation—discussion that take place by a jury after it has heard all the evidence in a case.

dissenting opinion—a statement written by a judge or justice that disagrees with the opinion reached by the majority of his or her colleagues.

fascism—the system of one-party government.

inalienable—that cannot be rightfully taken away.

negligence—the failure to use the care that a reasonable person would use.

royalties—percentage or payment paid to a songwriter or author for his or her work.