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NOTE

From: German delegation
To: Working Group on Information Exchange and Data Protection

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Subject: Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)
- Right to be forgotten: dispute settlement

After a general discussion on the subject of dispute settlement and the right to be forgotten during the Council meeting on 9 October 2014, the German delegation proposes the following changes to the draft General Data Protection Regulation:

Article 17c
Dispute Settlements

1. If a data subject requests a controller operating an Internet search engine to remove links to web pages from the list of results (displayed following a search made on the basis of the data subject's name, published by third parties and containing information relating to that data subject) by exercising his or her rights pursuant to Articles 17 or 19, the Internet search engine operator has carefully to investigate, if the requirements of the data subject's right pursuant to Articles 17 or 19 are fulfilled and has hereby to respect the rights and interests of any third party affected.
2. The Internet search engine operator has to provide a third party seriously affected an opportunity to submit an opinion on the data subject's request.
3. The Internet search engine operator must inform the enquiring data subject and the third party seriously affected about the decision and, especially in respect of Article 17 Paragraph 3, all substantial aspects which were taken into account in the decision-making process.
4. The Internet search engine operators should set up dispute settlement units in the Member States. The autonomy, independence and plurality of the dispute settlement units and the expertise of their staff must be guaranteed. The dispute settlement units decide about complaints against the Internet search engine operator's decisions pursuant to paragraph 3; these decisions are binding for the Internet search engine operator solely. Other remedies of the enquiring data subject and the affected third party, especially the web page operator, in particular according to Chapter VIII, remain unaffected.