Search engine delisting: When to act and what to do

EDPB European Data Protection Board

GUIDELINES AT A GLANCE

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Search engine providers play a crucial role in how personal data is disseminated online. Under the GDPR, individuals have the "right to be forgotten"—meaning **they can request that search results associated with their name be delisted**. Delisting does not mean deleting the original content from the internet, but rather removing the link to this content from the search results tied to a person's name.

The EDPB Guidelines on the criteria of the right to be forgotten in the search engines cases under the GDPR clarify the criteria that are relevant when search engines handle these delisting requests. The right to be forgotten is **not absolute**: it can be exercised only if one of the six grounds listed in Art.17 GDPR applies. In addition, there are five exceptions on which a request for delisting could be rejected.



Search engines' responsibilities at a glance

Here is a checklist for search engines providers receiving delisting requests:

When to act	Relevant elements
When a request is received	**A legal ground should apply to support the request.** For example, this is the case if the data is outdated, unlawfully processed, or if the user is exercising their right to object. **Ask yourself: Is this information still necessary and correct today?**
When handling children's data	**Apply extra protection.** Data collected when the individual was a child is granted special protection under the GDPR and usually warrants delisting.

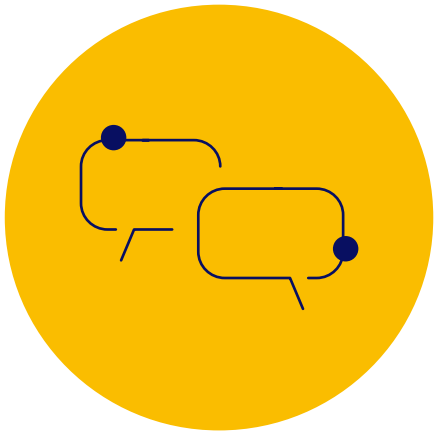
When to act	Relevant elements
When assessing whether to comply with the delisting request	**Assess the exceptions.** If applicable, you can rely on an exception to refuse to delist a link. One suitable exception could be that the link is necessary for exercising the right of freedom of expression and information. **Ask yourself: Can I actively demonstrate that the public's right to access this information overrides the individual's privacy?** (also taking into account e.g. the nature of the information or its sensitivity and the role played by the individual in public life, if any)
When actioning a delisting request	**No need to inform the source website.** As a general rule, you do not need to contact the webmaster of the original source page to inform them of the delisting.

Principles in practice: Key issues

Navigating the «Right to be Forgotten» requires search engines to balance competing fundamental rights and interests. The guidelines highlight three critical aspects:

1. Delisting vs. erasure

A delisting request is unique. As a search engine provider, if you grant a request, you would have to remove the URL from the list of results displayed when searching for the individual's **name**. However, the content that was referred to in the list of results is not erased; it remains available on the original publisher's website and may still appear in your search engine if a user searches using keywords other than the individual's name.



2. Burden of proof

Under the GDPR's "Right to object" (Art. 21), the burden of proof falls on search engines. If an individual objects to their data appearing in search results based on their particular situation, the presumption is in their favour. The result has to be delisted unless the search engine can actively demonstrate that they have **compelling legitimate grounds**. This would be the case if the search engine can rely on one of the five exceptions listed by the GDPR for the right to be forgotten (Art.17(3)).

3. Freedom of expression, access to information vs. privacy

The most common exception to the «Right to be Forgotten» is when the processing is necessary for the **freedom of expression and information**. Search engines should weigh the public's interest in having access to the information against the severity of the interference with the individual's privacy, for example in terms of their reputation. A key factor is the role of the individual in public life (e.g., politicians versus private citizens).

Practical examples

Here are specific scenarios extracted from the Guidelines illustrating how these rules apply in practice:

Example 1

Outdated information

(section 1.1, paragraphs 20-21, page 7)

Context: A user requests the removal of a search result linking to a corporate website directory. The directory lists them as an employee, but they left the firm ten years ago.

What to do: The search engine should delist the result. The personal data is obviously inaccurate due to the passage of time, and it is no longer necessary in relation to the purposes of the search engine's processing.

Example 2

Freedom of information

(section 2.1, paragraphs 47-54, pages 11-13)

Context: A high-ranking public official requests the delisting of an article detailing a recent corruption scandal involving their office, arguing it harms their personal reputation.

What to do: The search engine provider may refuse the delisting request. Because of the individual's role in public life, the inclusion of the link in the search results could be seen as necessary for protecting the freedom of information of internet users. The public interest may outweigh the individual's right to privacy in this specific case.

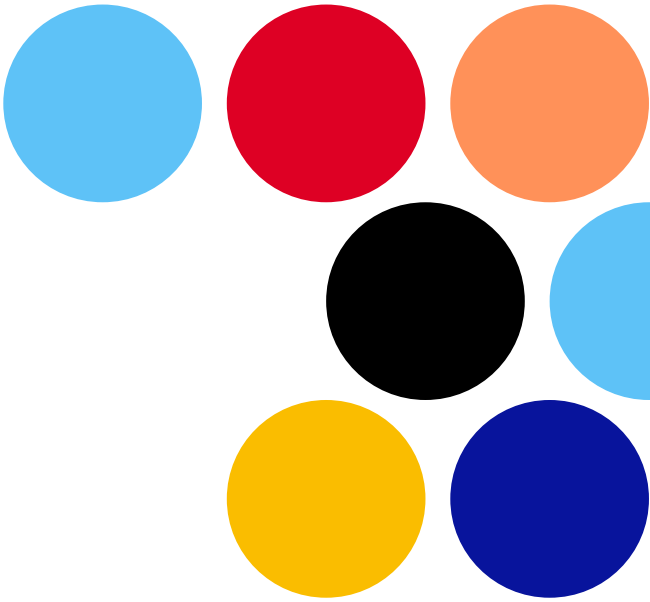
Example 3

Children's data

(section 1.6, paragraphs 39-41, page 10)

Context: An adult requests the delisting of an embarrassing forum post they made when they were 14 years old.

What to do: The search engine should delist the result, subject to the possible application of an exception. The GDPR explicitly states that children merit specific protection. The context of the initial collection of the data—while the individual was a minor—constitutes a valid ground relating to a particular situation, to support the exercise of the right to object.



This document provides a simplified overview of the guidelines. For more comprehensive legal explanations and examples on the delisting criteria, please consult the full text of the guidelines.

Read the complete guidelines