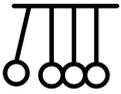


The Right to Be Forgotten: A Legal Perspective on Personal Data Protection in the Digital Age

LAW



Abstract

As social media has an immortal impact on our lives, it is no surprise that there are flaws along the way. When using social media, we sometimes consciously, sometimes not, share or maybe expose information about ourselves or one another. There are situations where you find not-so-polite comments about yourself or see private information about you which in both cases disturbs you. Our first instinct is to find out who published this data and reach out to them requesting the removal of the content that involves you. But what if you cannot reach out or they do not accept your request? And this is where The Right to Be Forgotten comes in.

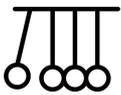
Detailed Information

The Right To Be Forgotten is a concept that allows individuals to limit access to certain personal data, ensuring that they can live with dignity without having a permanent tie to their past. This right prevents or brings legal consequences to situations such that a third party accesses one's personal data, so that individuals can have a fresh start. This right is essentially an extension of personal data protection, giving people more control over their digital footprint. It prevents individuals from being socially excluded due to past information and allows them the chance to move forward without being constantly reminded of outdated or irrelevant details from their history.

Legally, the right to be forgotten is defined as the ability to request the removal or restriction of access to personal information that was once lawfully published but has lost its relevance over time. This means individuals can ask for specific content—such as news articles, comments, or other digital records—to be deindexed from search engines or even deleted if it negatively impacts their reputation.

According to Article 20 of the Constitution, individuals have the right to request the protection of their personal data. This includes being informed about how their data is used, having access to it, and even requesting its correction or deletion when necessary.

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When can the right to be forgotten be used?

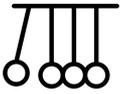
While the right to be forgotten is a powerful tool for protecting privacy, it is not granted in every situation. Courts and regulatory bodies must carefully balance an individual's right to personal data protection with the public's right to access information.

Some common situations where individuals can invoke the right to be forgotten include:

- **Outdated or irrelevant content:** If the information is no longer relevant but continues to negatively impact an individual's life, they may request its removal.
- **False, defamatory, or harmful content:** If a publication contains false accusations, insults, or hate speech that damages a person's reputation, it may be removed—although legal action is often required first.
- **Sensitive personal data:** If private details such as health records, religious beliefs, or political views were published without consent, the individual can request their removal.
- **Cases involving minors:** If the content concerns a minor, it is far more likely to be removed, as the best interest of the child is a top priority.
- **Non-consensual content:** If a person's private information was shared without their permission, they have the right to request its removal. However, if they originally shared it themselves, the case is evaluated differently.
- **Misleading or incorrect portrayals:** If content misrepresents or distorts the truth about an individual, they can apply for its removal.
- **Security risks:** If the information exposes someone to identity theft, fraud, stalking, or other forms of harm, it may be eligible for removal.
- **Criminal records:** In cases where a past crime is no longer relevant to the public interest, an individual may request its removal. However, this does not apply to serious crimes or cases related to public safety.
- **Journalistic content:** If the content was published as part of a journalistic activity, removal is more difficult due to press freedom. However, if the information is outdated, misleading, or unnecessarily harmful, it may still be considered for removal.

Overall, although the right to be forgotten may help individuals request the removal of certain content from their digital past, each request should be accepted directly and evaluated carefully, taking into account the balance between individual rights and the public right to information.

How to Request Content Removal Under The Rights to Be Forgotten



To exercise the right to be forgotten, individuals are required to follow a defined process. The initial step involves submitting a written request directly to the relevant data controller, which is usually a search engine such as Google. According to Article 13 of Türkiye's Personal Data Protection Law (KVKK), this request must include:

- Full name and identification details (such as T.C. identity number or passport number for foreigners)
- Contact information along with an address for notifications
- A detailed explanation specifying which content is sought for removal and the justification under the right to be forgotten

The search engine is obligated to assess and respond to the request within 30 days. If accepted, the specified content will be eliminated from search results. Conversely, if rejected or if there is no response provided within this timeframe, the individual retains the option to file a complaint with KVKK.

This complaint should be lodged within 30 days of receiving notification of the decision—should there be no response at all, it can instead be submitted up until 60 days following the original request. KVKK will then review the case and ascertain whether or not the removal of content is warranted, balancing both individual rights against public interest in access to information.

If KVKK decides in favor of the individual's appeal, compliance by the search engine becomes mandatory in removing that respective content. On the other hand, if individuals find themselves dissatisfied with this ruling, they may pursue further action through legal channels. In instances where defamation, slander, or infringement on personal rights are involved, they also have grounds for separate legal action; consequently enabling a court potentially to order either removal from search engines or complete erasure of said content.

Conclusion

Overall, the right to be forgotten is a fundamental legal instrument in today's pretty competitive world of the digital sphere. It makes it possible for people to reclaim control over their personal lives so that their identities are not defined by their past actions. The right must always be balanced against the right of the public to information and freedom of the press.

The technological advancements are only set to kindle tremendous debate going forward on digital privacy and the protection of personal data: how to strike the right balance - giving people as much opportunity as possible to move on while remaining transparent and making information accessible where it truly counts.