School of Information Studies - Faculty
Scholarship

School of Information Studies (iSchool)

12-27-2017

Così fan tutte: A better approach than the right to be forgotten

Martha Garcia-Murillo
Syracuse University, School of Information Studies

Ian MacInnes
Syracuse University, School of Information Studies

Così fan tutte: A better approach than the right to be forgotten

Description/Abstract

In this article, we argue in favor of a macro-societal approach to protect people from the potential harms of personal information online. In the tension between information and privacy, "the right to be forgotten" is not an appropriate solution. Such a micro, individual-based answer puts the burden of protection on each person instead of on external entities that can abuse such knowledge. The personal responsibility to delete personal data is challenging because of the leakage of data that happens through the connections we have with others, many of whom do not share the same privacy preferences. We show that effective deletion is almost impossible (the eternity effect), and is unfair due to the resource burden it entails when users try to achieve it, while at the same time ensuring the potential benefits we can derive in the future from having personal information online. In addition, deletion requests can negatively affect other people who are in the same location and time frame and may not want to have their infor-mation deleted. Collectively, we argue also that society is worse off because these circumstances lead people to construct sanitized personas while perpetuating a culture of distrust. Given that the harm is real, we describe technology, societal norms, and the implementation of an anti-discrimination directive for the right to a personal life, and we provide evidence on how anti-discrimination efforts in the past have succeeded when legislation leads to the development of infrastructures that help to enforce them. The dissemination of personal information through public sites and social media is, as Mozart suggested in Cosi fan tutte, gradually educating humanity about human weaknesses.

Keywords

right to be forgotten; privacy; Europe; private information; European Union; personal information; databases; macro-societal approach; eternity effect; anti-discrimination

Disciplines

Library and Information Science | Privacy Law

Additional Information

Creative Commons License

Così fan tutte: A better approach than the right to be forgotten

Martha Garcia-Murillo [*], Ian MacInnes

School of Information Studies, Syracuse University, USA

ABSTRACT

In this article, we argue in favor of a macro-societal approach to protect people from the potential harms of personal information online. In the tension between information and privacy, "the right to be forgotten" is not an appropriate solution. Such a micro, individual-based answer puts the burden of protection on each person instead of on external entities that can abuse such knowledge. The personal responsibility to delete personal data is challenging because of the leakage of data that happens through the connections we have with others, many of whom do not share the same privacy preferences. We show that effective deletion is almost impossible (the eternity effect), and is unfair due to the resource burden it entails when users try to achieve it, while at the same time ensuring the potential benefits we can derive in the future from having personal information online. In addition, deletion requests can negatively affect other people who are in the same location and time frame and may not want to have their information deleted. Collectively, we argue also that society is worse off because these circumstances lead people to construct sanitized personas while perpetuating a culture of distrust. Given that the harm is real, we describe technology, societal norms, and the implementation of an anti-discrimination directive for the right to a personal life, and we provide evidence on how anti-discrimination efforts in the past have succeeded when legislation leads to the development of infrastructures that help to enforce them. The dissemination of personal information through public sites and social media is, as Mozart suggested in *Cosi fan tutte*, gradually educating humanity about human weaknesses.

1. Introduction

In W. A. Mozart's, Enlightenment opera *Così fan tutte*, the protagonists are put through a social experiment to move from a state of innocence to one of experience. The goal is to understand that the idealized characterization of a perfect mate is unrealistic. We must accept the weaknesses of others, as well as the setbacks that occur in the real world, even though the lessons can be bitter. In this article, we argue that, in the pursuit of individual interests to keep some personal data hidden, we can lose the greater societal benefits of a movement towards anti-discrimination and greater empathy on the basis of such data. We use secondary research to show that the dissemination of personal information through public and private sites, as well as social media, is gradually educating humanity through the sorts of enlightened lessons that Mozart and his librettist Lorenzo da Ponte identified: humans are weak, everyone misbehaves, and we should not condemn public knowledge of the imperfections of ourselves and others.

The disclosure of personal data is changing our culture (Deuze, 2011; Schäfer, 2011), and as we make public egregious mistakes, most of us are beginning to display and discover a more realistic expectation of human behavior (Stern, 2008). This is particularly true today when we consider computers as part of both the self and the external world, and when we often claim that our lives are, for all practical purposes, on our mobile devices (Terlon, 1985).

In this paper, we join the voices of other researchers to argue that the European Union directive on "the right to be forgotten" (RtbF)[1] is misguided and unrealistic (Byrum, 2017; Cunningham, 2017; De Baets, 2016) and provide alternative solutions that can protect us

---

from the potentially harmful publication of personal information. Our argument, in light of research by advocates for the protection of privacy (Mayer-Schönberger, 2011; Zittrain, 2008), is controversial, as one's first instinct is to reject such a premise based on evidence regarding disclosures (Ronson, 2016). Some may be skeptical about our ability to change human nature, but history records many cases in which it has been done (Banathy, 2000; Rifkin, 2009).

We acknowledge that this research falls at the crossroads of many disciplines, including law (Knight, 2007; McGoldrick, 2013; Rosen, 2012; Zittrain, 2008), public policy (Ambrose, 2014), philosophy (Rusu, 2015), technology (Xue, Magno, Cunha, Almeida, & Ross, 2016), and information policy (Mayer-Schönberger, 2007, 2011), among others. This, thus, puts us in a difficult situation because, in an effort to present an argument that runs contrary to a more common academic view of privacy—greater protection—we have to present evidence without being able to do justice to the deep discussions of each of these disciplines; thus, some scholars from these fields may deem this work superficial. However, we believe that the strength of the paper lies in not focusing on a single framework to the issue and in taking advantage of elements of these fields to present a different point of view, one that we find convincing. Here, we argue against a micro outcome (individual interests) and in favor of a macro outcome (societal interests), and recommend a justice approach to privacy violations. In other words, we want to shift the concern for privacy from a notion of control of content or information released to a notion of privacy based on justice and on the harm that those having such information online may cause.

In the RtbF there is an important assumption, namely, that someone will harm us based on the information available about us online, or that we will continue to punish people long after they have been sanctioned informally or by law for transgressions they have committed. The law assumes that people are commonly subject to ostracism, vendettas, and vigilantism from others due to behavior considered socially unacceptable or criminal. This, of course, happens, as Ronson (2016) and Petley (2013) illustrate through many examples. Therefore, the main purpose of the RtbF is to give people the chance to start over (Hendel, 2012). We don't disagree that there is indeed such potential for harm. But this potential should not be framed as a privacy problem that requires giving people more tools to control the disclosure of personal data. It should be framed instead as an outcome, and we should try instead to protect people from discrimination, manipulation, mistreatment, or denial of opportunities and services if personal Information is disclosed.

In this paper, we provide background information about the RtbF and define the boundaries to a specific context where most of the concerns about the RtbF have been made—in social media and in regard to Google search lists. We position the research within a micro-macro framework and then identify the challenges to the individual under a RtbF considered as a privacy control mechanism, the challenges to society, and the reasons why we believe that the RtbF impedes the macro, long-term societal interest of human development. The last part of the paper presents alternatives to protect people from the negative consequences of information that could harm them. These include technology tools and anti-discrimination legislation that can lead to societal changes.

2. Background and rationale for the right to be forgotten

The purpose of this article is not to present a detailed explanation of the right to be forgotten (or the "Right to Erasure"), given that there is an extensive literature in books and articles that do that extensively and effectively (Brock, 2016; Castellano, 2012; De Baets, 2016; Jones, 2016; Lindroos-Hovinheimo, 2016; Mantelero, 2013; Weber, 2011). This section thus provides a brief overview of the rationale of this EU law.

In many European countries, the protection of reputation, image, and honor is a strong part of their legal traditions (Brock, 2016). A law that would allow people to request information about themselves to be deleted has its origins in the *droit a l'oubli* (which in French has a similar meaning), which was recognized by decisions made in France and several other European countries as early as the 1960s (Mantelero, 2013), which is grounded on the idea of a clean slate (Pereira, Ghezzi, & Vesnic-Alujevic, 2014). The notion of the RtbF, though mentioned and studied in the past by European scholars (Auletta, 1983; Ferri, 1990) did not gain traction until it became clear that it was easy for people to have personal information disclosed through social media platforms and websites (European Commission, 2012; Van Alsenoy, Ballet, Kuczerawy, & Dumortier, 2009). When explaining the rationale for the proposal and the right to be forgotten, European Commission Vice-President Reding indicated that personal data in social networks was one of the main factors (Reding, 2010). The RtbF is thus a continuation of those traditions and expands privacy protection by allowing people to request the deletion/delisting of certain online information about themselves in order to repair their reputations (Eltis, 2011).

The defining case for recognizing the RtbF in Europe happened in 2010 in Spain, when Mario Costeja Gonzalez requested the removal of an article discussing a real estate auction of his repossessed home from a newspaper and from Google listings (Byrum, 2017). The case, which was originally lodged with the Spanish Data Protection Agency and the Spanish High Court, was then referred to EU judges (Brock, 2016). The 2014 decision by the EU court in Luxembourg, based on an interpretation of the 1995 Data Protection Directive, ordered the links to be removed and de-indexed to ensure that no listings connected to Costeja's personal information were displayed ("Judgement in Case C-131/12, Google Spain SL, Google Inc v Agencia Española de Proteccion de Datos (AEPD), Mario Costeja Gonzalez," May 2014).

In 2010, European regulators started a consultation to revise the EU Data Directive, the effort resulted in the 2016 General Data Protection Regulation (GDPR), which strengthens, modernizes and harmonizes across nations individuals' power to control the collection and processing of personal information (Brock, 2016). Specifically, it provides scenarios that enable a person to request the deletion of information (a) when the data are no longer necessary for the purposes for which they were originally collected, (b) when the data subject withdraws consent or no longer consents to the retention of the information, or when there are no other legal grounds for maintaining the data, (c) when the data subject objects to the processing of personal data, (d) when the data were unlawfully processed, (e) when the data have to be erased to comply with a legal obligation under Union or member state laws, and (f) when the data of children have been collected without consent (European Parliament, 2016).

The ethical argument for the RtbF directive is based on preventing harm to people whose information is available on the Internet.

People want privacy, and they want to be protected from the risk of having their honor and/or reputation damaged by the publication of past personal information (Biasiotti & Faro, 2016). Since the implementation of the right to be forgotten, an accidentally released digital report from Google indicated that after May 2014, 280,000 people requested that the company remove links (Tippmann & Powles, 2015). Currently, Google reports indicate that between 2000 and 3000 requests for deletion are made every month (Google, 2017).

3. The right to be forgotten and privacy as control over personal data

We focus here on the right to be forgotten within a privacy context. This is because the dissemination of personal information could be considered a restriction on a person's right to privacy. The connection to privacy, however, is problematic, because on many occasions the information that a person wants to have deleted was initially posted by him or her. In the United States, according to McNealy (2012), this goes against privacy jurisprudence, which states that information that has been made public cannot become private again.

There are many definitions of privacy, some of which fit more closely than others with the RtbF. As we construct a definition that fits the online/social media context, we take a different approach. We focus not on the meaning itself, but on the rationale for why one may desire privacy. We, therefore, want to emphasize the consequential notions of privacy. We want a privacy definition to be able to answer, as stated by Moore (2008, p. 411), "what this or that way of classifying privacy is good for? … does this way of carving up the world promote, hinder, or leave unaffected, human well-being or flourishing?"

A definition of privacy that emphasizes consequences needs to begin with the notion of individual interests, which in philosophical jurisprudence are part of our natural rights and are "deduced from the qualities of man in the abstract or from some formula of right and justice" (Pound, 1915, p. 345). Individual interests have been classified as (a) interests of personality, relating to a person's physical and spiritual existence; (b) domestic interests—relating to the ability of people to conduct their lives without any impediment; and (c) interests of substance—relating to the ability to engage in economic activities (Pound, 1915). Given these three different types of interest, a situation such as defamation infringes on both interests of personality and substance, since one's reputation is an asset as well as a part of one's personality. In regard to personality, Spencer (1892) defines the right to property to include both physical, as well as non-physical, property. The right to incorporeal property includes reputation, which results from a person's good conduct, but also patents and copyrights. A definition of the right to property within these two realms allows us to envision privacy as a right, as well as a form of property.

Going back to our interest in defining privacy from the perspective of consequences, we may want to control access to information about ourselves in order to develop, grow, and maintain autonomy over the course and direction of our lives (Moore, 2008). The notion of control fits naturally with the thinking of many privacy advocates, who have often framed it in terms of individual responsibility (Marwick, Fontaine, & Boyd, 2017). As indicated previously, the reason for why people might want to maintain control over their personal information is that they do not want to lose their standing or respect in society, nor feel that they are being discriminated against because of what is known about them (Korenhof & Koops, 2014). From our perspective, policies about privacy should not be about the control and deletion of information but should focus on use and on the potential negative effects that can happen to people when they release information about themselves.

Many privacy arguments are built on an assumption about fear. We find in the literature writers commenting on how the right to be forgotten can help people by allowing them to eliminate personal information from the past that is affecting their present (Pereira et al., 2014). Or we find statements like "Everything you've ever posted out online could come back to haunt you someday" (Lasica, 1998) or "The harm deriving from the eternal and universal availability of data via the Internet is more likely to be considered disproportionate than the harm resulting from local publicity" (De Terwangne, 2014, p. 93). Authors state how, sometimes, outdated information online can become a problem for a successful transition to a new identity (Korenhof & Koops, 2014). In presenting examples of how the right to be forgotten can help people, Garfinkel (1967) explains how a transgender person might have a problem with her past and how the disclosure of such information might ruin her. Addressing these issues from the perspective of potential harm, we believe that the RtbF is not the best approach to protecting people against the consequences of having personal information disclosed. The following sections outline the rationales for our objections.

4. Context of the research

The right to be forgotten encompasses more than just websites, social media sites, and mobile apps that collect and distribute personal information provided by users or third parties. In fact, the 2016 General Data Protection Regulation includes, among other material, data that has been processed manually or automatically (paragraph 15), personal data processed by public authorities that do not interfere with legal obligations to safeguard the public (paragraph 19), data processed by a controller or a processor within or outside of the Union for the purpose of offering goods or services to EU residents (paragraph 23 and 24), and data that have undergone pseudonymization, which could not be attributed to a natural person without the use of additional information (paragraph 26). However, for the purpose of this study, we focus exclusively on websites and social media. We have three reasons for doing so. First, this type of information is the most visible, both to the person who could be harmed, as well as to the rest of the public (Thompson, 2005, 2013). Second, in most cases, people do not know what personal information a company or government may have about them if it is not publicly available (Cohen, 2011). Third, taking into consideration the rationale for the inclusion of the right to be forgotten—namely, to protect a person's identity (in particular a person's reputation or honor) from others who may see compromising information online—is what has attracted the most requests for deletion, and thus we consider it appropriate to focus on this type of information (Robertson, 2015).

5. Organizing framework: the individual and the collective

One of the main premises of this article is that the right to be forgotten contributes to the development of a judgmental society and, thus, to the need for people to try to present a reputable online persona. In other words, the interest of the collective in improving people's recognition of the lessons of *Così fan tutte* about human imperfection and the development of empathy are negatively affected by the RtbF because the right allows people to request the deletion of content they find objectionable about themselves.

American legal scholar and Dean of the Harvard Law School Roscoe Pound argues in *Interest of Personality* (1915) that a legal system has to include public and social interest in addition to individual interest. Pound Indicates that, in the 19th century, legal history was written from an individualistic standpoint, and he considered this to be a mistake, arguing instead that individual rights are only a means to further social interest. His argument is further advanced in economics, where scholars have found many instances of the negative consequences of individual desires for the social interest. This is most evident in economic ideas such as "the tragedy of the commons," where economic self-interest depletes a shared resource (overfishing, deforestation, animal extinction) (Ostrom, 2015); "the market for lemons," which comes about due to asymmetric information between buyers and sellers (Akerlof, 1970); and monopolies that result from network externalities—people's desire to be able to connect to as many other people as possible (Frank & Cook, 1991; Schilling, 2002). In a social context, Schelling illustrates how our desires to maximize comfort by seeking a certain type of personal company lead to neighborhood segregation (Schelling, 2006). Closer to our notion of privacy, we need to remember how our personal embarrassments led to the confinement of people with mental disabilities (Cohen, 2017) and the suffering of LGBT people, who have feared disclosure of their sexuality because of societal disapproval (Connolly, 2005). From this perspective, we argue that, in protecting individuals, we should not lose sight of the potential collective benefits that society could derive from being more open. While pursuing our individual interests, we are failing to recognize that it may actually be worse for us to delete information. This is because a culture of hidden information perpetuates the belief that everybody should be perfect, and therefore, as the two young officers in Mozart's opera found, one cannot let others know of one's mistakes or imperfections. If we decide instead to be more transparent, we may begin to change our perceptions of the human condition. Recognizing this will allow us to be more forgiving towards others and likewise, others towards us, making our existence easier and freer of concern about other people's judgments, in both formal and informal settings. The issue at hand, as Pound (1915) indicates, is that all of the rights that an individual may claim should be enforced, as long as they are not outweighed by the demands of other individuals in an organized public or society. We believe that both of these conditions can be met if people can reduce their fear of the consequences of personal content posted online.

5.1. The individual and the collective in our connected lives

In an information society, people's lives operate around social networking sites, text messages, bulletin boards, blogs, online gaming, and computer-supported collaborative work and education, among many other things (Barnes, 2006). Younger generations use social media to build relationships, to share cultural artifacts, and to explore themselves (Barnes, 2006). Some also value self-promotion, with the hope of achieving celebrity (Stern, 2008). Young people see their online narratives as opportunities to express themselves in a media environment that was traditionally dominated by adults and corporate interests (Stern, 2008). In a networked society, public versus private boundaries are not clear. For adults, the Internet is a supplement to their real-world activities, while for some teenagers, differences between their lives online and off-line are often ignored (Barnes, 2006). Once these boundaries begin to erode in our interactions with others, it becomes difficult to distinguish private from public speech. The interdependency and co-creation of personal content then constitutes both private and public memory (Pereira et al., 2014) While the argument in this paper is about allowing for greater social benefits to emerge from the acceptance of individual imperfections, the simple execution of the right to be forgotten already undermines other people's rights. As Hoskins (2014) indicates, in the presence of hyper-connectivity, any posts that we wish to have deleted affect both the innocent and the guilty. A single piece of information may contain content about more than one person (MacCarthy, 2010). People are married; they have families, friends, and school or professional peers, and so forth, which means that they are linked to many others through bits of data, making control over a single piece of data difficult (Szekely, 2014). Data networked in this way belongs to more than one individual.

Many people have argued that in light of the technological advances and tools available to people, privacy is much less of a concern, particularly for the younger population (Hargittai & Marwick, 2016; Naussbaum, 2017), a message often voiced by social media moguls. In the words of Scott McNealy, then CEO of Sun Microsystems, "You have zero privacy anyway. Get over it" (Srenger, 1999) and Facebook CEO Marc Zuckerberg stated, "People have really gotten comfortable not only sharing more information and different kinds, but more openly and with more people" (Johnson, 2010). However, the truth is more complex than that, and we find that while there is a great desire to share, there are also concerns. There are many reasons for why people are willing to share personal information about themselves. People derive gratification from sharing by entertaining or being entertained, by developing social links beyond a small circle of friends, and by engaging in discussions (Dunne, Lawlor, & Rowley, 2010; Lee, Goh, Chua, & Ang, 2010; Park, Kee, & Valenzuela, 2009). Sharing also serves another important social and professional function, which is the development of one's social capital (Antheunis, Vanden Abeele, & Kanters, 2015; Burke, Kraut, & Marlow, 2011; Ellison, Steinfield, & Lampe, 2007). However, even with the forces in favor of sharing personal information online, there are concerns. For many people, and in particular the young, social media poses a conundrum. Posting personal information online can provide social support, and attract attention and potential celebrity, but it can also leave users open to criticism and conflicts (Marwick et al., 2017). They want their site to be visited, but they do not want the content to cause them trouble (Stern, 2008). Most of us are concerned about our personal data being leaked and having, for example, a job compromised or about being deported or put into jail. As one of Marwick et al. (2017) interviewees expressed it, "Don't trust anyone" (p. 7). They recognized the potential social and economic costs of social media.

Concerns over the negative consequences of disclosing information are already changing people's behavior regarding the sharing of personal information. Some use the built-in privacy filters on social media portals, some have asked friends to remove pictures or tags from social media postings, others use different sites or apps to communicate with different audiences (Hargittai & Marwick, 2016; Marwick & Boyd, 2014). These concerns have even led some people to avoid social media entirely for fear of negative consequences (Brayne, 2014).

6. The individual dimension: challenges to the personal control of private data

6.1. The problem of leakage

A major worry people have about their personal information online is that it can leak beyond the intended audience. Leakage happens because information moves across multiple platforms and passes through many audiences, and it is difficult, if not impossible, for a person to fully control it. As Marwick and Boyd (2014) observe, privacy is networked. The average number of friends people have on Facebook is 338 (Mazie, 2016), on Instagram it is between 100 and 200 followers (Statista, 2015), and on Twitter 707 (MacCarthy, 2016). This means that relationships can cover a diverse range of intimacy levels (Stern, 2008). It is also possible that different people have different privacy preferences.

There are many ways that personal information can leak to people we may not want to see it. For example, our friends in online communities are not always close friends who will respect some sort of social code and restrain themselves from sharing our personal information. Often, our friends outside of work are also our friends within work. There is no guarantee that we will not have personal information disclosed to coworkers if that is our wish. Also, we may not have co-workers as online friends, but some of our non-coworker friends may be online friends with some of our co-workers, resulting in the leakage of personal data to work peers. An additional problem can occur when we post content but recognize later on that we should not have done so and that a person whom we might not want to see the content may already have seen it. Removing the content may thus draw more attention to the issue, instead of letting it go without notice, making it stand out (Lampinen, Lehtinen, Lehmuskallio, & Tamminen, 2011). These concerns often mean having to manage the different forums we participate in to minimize leakage. This is what Lampinen et al. (2011) call *privacy management*. Because we belong to multiple communities and accept online friendships from people who are only acquaintances, as well as from family members and other intimates, privacy management is a difficult balancing act (Squicciarini, Shehab, & Paci, 2009). In the absence of clear boundaries among the different communities we socialize with, ownership of content is a challenge (Besmer & Richter Lipford, 2010). Online environments have different types of personal content: *disclosed data*, which is the information we post ourselves; *entrusted data*, which is information we post on other people's pages and which is managed by them; and *incidental data*, which consists of personal data posted by others about us (Schneier, 2010). While we control disclosed content, other types we do not.

Leaks will occur, and as Lampinen et al. (2011) found, no one can fully control their personal data. People are not always attentive about the impact they may have on others; therefore, trying to accurately predict the effect that the posting of personal information may have on others is impossible.

6.2. The shackles of perpetuity: the eternity effect

The right to be forgotten puts privacy under each person's control in a context where people's connections to each other make control almost impossible (Marwick & Boyd, 2014). Our lives today are linked through hyper-connectivity; we can copy, edit, host, and share in a digital environment that is not affected by decay (Hoskins, 2014). Similarly, the fragmentation of personal information that is hosted across multiple platforms creates privacy vulnerabilities that will need to be monitored (Pereira et al., 2014). Under a control paradigm, people are responsible for maintaining constant vigilance and monitoring their friends' and families' social media and websites to ensure that anything that embarrasses them stays offline. However, deletion is difficult; technology allows people not only to share, but also to save information they find interesting. This means that if information is deleted, there is no guarantee that somebody does not have it stored on a local or cloud drive, and thus could repost it. For example, a family in 2006 paid the company Reputation to have a photo of their daughter, who was killed in an accident, deleted from the internet. The company successfully had photos removed from at least 2000 websites by asking these sites to remove it (Toobin, 2014). Yet at the time of this writing, this picture is still easy to find.

Because of digital data, along with inexpensive and unlimited storage capabilities, forgetting (namely, deletion) is now more costly than remembering (Szekely, 2012). Not only sophisticated search technologies, but also people's increasing adeptness with computers make it easier to find delinked information, which contributes to our inability to eliminate information. In our attempts to delete information, we may end up in a constant process of searching and deleting, yet never be fully free of digital content we dislike. A study by Xue et al. (2016) described an experiment attempting to retrieve information from links that were requested to be deleted. They were able to retrieve all of the "delisted" data from UK sites that published a list of their delisted links (283 links), and of these, 80 suffered from the Streisand effect, which is the unintended effect of making information more visible in an attempt to hide it (Cacciottolo, 2012). These findings put into question the effectiveness of the RtbF and demonstrate how it might create a false sense of security.

Another factor that makes online information difficult to eliminate is the existence of strong ideological differences in favor of and against deletion. While there are strong advocates for the right to be forgotten, there are others who are just as passionate about maintaining this information. An example of this tension was, first, the emergence of an initiative called Vanish, which attempts to give people the ability to embed code into content such that, if it is stored or copied, it self-destructs. This subsequently led to the creation of Unvanish, another initiative that was able to reverse engineer the Vanish software (Brock, 2016) and thus prevent the information from being destroyed. This means that we may end up in a situation where we spend time, effort, and money to delete information without

being entirely effective. As Walz (1997) indicates, traces left online will remain even if we try to eliminate them. The internet is capable of preserving past errors, bad memories, writings, photos, or videos that we would like to forget, thanks to its eternity effect.

6.3. Unintended consequences of deletion within a rapidly changing society

In Recital 53 of the Draft Regulation, the text observes that the right is particularly relevant for children, as they are not fully aware of the risks involved in the processing of data on the internet (Sartor, 2015). For adults, the activities of young people online are often seen as trivial, egocentric, and self-indulgent ruminations (Stern, 2008). The right to be forgotten enables a person to erase a past identity and reconstruct a new narrative that is not undermined by the past (Hoskins, 2014).

The same argument can be made to preserve information. As Pereira et al. (2014) argue, the RtbF disregards the future value of information, that is, the idea that information we post about ourselves today can be valuable in the future. If a person, for example, decides to run for office, having information about them available could help voters decide. In a dynamic world, what we want or need to forget changes over time and cannot be established *a priori* (Pereira et al., 2014). It is thus possible that we may ask to have information about ourselves deleted, to discover later in life that such information would have been useful for health, legal, biographical, or other reasons. In other words, the same rationale about deleting information, namely to maintain our reputation, can apply to the value of remembering our mistakes. Our present self might see a situation as worse than it is and decide to delete Information, but later regret having done so. As Stern (2008) indicates, some people like to write their stories and then go back to the stories and see how they changed and grew from beginning to end. The right to be forgotten also does not take into consideration that technologies of the future may bring significant benefits from the analysis of such posted information.

6.4. Deletion is unfair

At the time of the Spanish court's decision, the Commission expected Google to hire an external law firm to handle requests for delinking, Google, instead, decided to hire between 50 and 100 paralegals, mostly in Dublin, to make these decisions (Brock, 2016). The company is not obliged to release information about the manner or criteria it uses to respond to people's requests to be delinked, although it does so in its Google transparency report (Google Transparency Report, NA). In addition, because these decisions are made by people, their decisions have the potential to be inconsistent and unreliable. We know from cognitive science research that people are inconsistent in their judgments and may judge similar cases differently, depending on their subjective beliefs (Tversky & Kahneman, 1974). It is also true that given Google's expertise with search algorithms, it has developed software that can enable computers, using artificial intelligence, to make these decisions. While this could afford greater reliability and consistency, the fact that a machine is making the decision doesn't guarantee that it will be better. Machine learning technology mimics human behavior, including our biases and prejudices (Caliskan, Bryson, & Narayanan, 2017; Pennington, Socher, & Manning, 2014). How do we ensure, for example, that a data request from a non-white person is not denied more often than that of a white person? How do we know in the absence of transparency that discrimination is not taking place when making decisions about delisting?

According to the (General Data Protection Regulation)when a deletion is not granted, the affected person can appeal the decision before any Member State's supervisory authority (Art. 52), and if it is still not granted, s/he can then ask a court to review it (Art. 74). This process favors people with more time and resources, as it takes effort to search for the information they want to have deleted and make a request, which is simple enough, but if the request is denied, it is costly and time-consuming to challenge it. The enforcement of this right by individuals can thus be costly (Tjong Tjin Tai, 2016). Nor does an appeal guarantee that a decision will be appropriate. This is because European authorities do not have a budget sufficient to adequately address disputes (Brock, 2016). The same inconsistencies that can occur when paralegals are making decisions about RtbF requests can also occur at data protection agencies. The difficulties stem from the fact that the guidelines for processing this type of request are subject to interpretation. There is evidence of these inconsistencies from Erdos (2016), who conducted a survey of 24 data protection agencies (DPA) and sub-national operating authorities and found significant differences in the interpretations of the examples the researchers provided to the agencies. A court, however, is more likely to be fair than a private company because a court proceeding is more transparent and does not result in some potential conflicts of interest that a corporation may have.

7. Negative implications for the collective of the right to be forgotten

7.1. The rise of sanitized selves

Even in the absence of the RtbF people, engage in self-editing. The fears we live with of being discriminated against drive such conduct. Even among young people, there is a desire to be perceived in a positive light. As found by Stern (2008), young authors are well aware that their audiences are not far and recognize that their public selves are "touched-up" versions of themselves. One of Stern (2008) interviewees referred to her online presence as "a nice, shiny me" for the purpose of gaining social approval. "Although youth authors may see themselves as unique and their works as original, the choices they make about how they present themselves online are still informed by a society that relies heavily on acceptance and "fitting in" (Stern, 2008).

Some people are able to succeed in spite of their mistakes, and this history should be celebrated rather than deleted. Think, for example, of James Brown, who was convicted of robbery at the age of 16 and spent time in prison, where he helped to organize a gospel quartet. As Andrew Solomon said, "If you banish the dragons, you banish the heroes" (2012, p. 46).

7.2. The perpetuation of a culturally distrustful and judgmental society

In the presence of a long history of hidden personal information, there are great opportunities for people to judge others whom they deem unacceptable. A study with Italian students, for example, found that those with middle-class incomes assessed the Facebook activity of low-income peers as frivolous and excessive (Micheli, 2016). Society has functioned, often with horrendous consequences, by judging others, and the perpetuation of such practices online leads people to be afraid of revealing their identities, due to the possibility of angering somebody. Marwick et al. (2017), for example, show how some girls who participated in an online gamer community were afraid of getting "doxxed"—having somebody reveal their personal information to intimidate or shame them (Massanari, 2017; Phillips, 2015)—and they tried, therefore, to keep under the radar and avoid confrontations.

The right to be forgotten implies that many people will treat each other badly, perhaps by acting as vigilantes or by denying employment when they disapprove of somebody's behavior, and we know that this indeed happens (Petley, 2013; Ronson, 2016). Because of this, some people would like to protect themselves from such harm through deletion. This fear is exacerbated by the slogans that reputation companies use in seeking clients. Examples of such promotional material from Reputation are: "You are being judged on the Internet" (Jones, 2016) or statements such as these by Brand Yourself: "The Internet never forgets," "The Truth doesn't matter," you "are guilty by association," "If your Google results don't shine, you're losing opportunities," and "Your Google results directly impact your career" (Your Google results, 2017). Efforts to delete, delist, or suppress information further perpetuate the fear of being negatively affected by content online, while preserving the mistaken notion of the perfect individual that Mozart's opera was trying to dispel. Instead, we could focus our efforts on protecting people from these bad outcomes and increasing our species' tolerance and empathy for the weaknesses that all of us possess, as in *Così fan tutte*.

8. Alternative solutions

We believe that there are social, technological, and policy alternatives that can protect us from harm. There is something that can be done for the protection of personal lives and protection from the emergence of falsely manufactured information.

8.1. Societal norms

We are undergoing a major transformation, and the rules of conduct for a digital platform are still being developed. We recognize, like Hoskins (2014), that in many of these forums, many proper norms and behavioral innovations are missing and that people can be ruthless and unforgiving. In keeping with this, it is well documented in the psychology literature that forgetting is important for psychological health and is one of many factors that allow a person to move forward (Jones, 2016). However, researchers have also found that forgiving may be a more effective method of healing. Forgiving is the ability of a person to forego negative feelings and the desire for revenge or retribution. A person who has forgiven is also able to release the offender from further consequences. Evidence of the benefits come from the field of restorative justice (Exline, Worthington, Hill, & McCullough, 2003), which emphasizes the rights and dignity of victims, while recognizing the humanity of the offender. Initiatives that rely on restorative justice have found that forgiveness reduces anger, stress, and feelings of hurt (Luskin, 2006). Restorative justice works better when we know the person who has caused us harm, and there are now efforts to support this type of initiative using technology as a tool. Digital Blush is a proposed project, designed to facilitate forgiveness through technology-mediated interactions between people who have hurt each other (Pitt, 2004).

Youth today are comfortable expressing themselves online. While some are concerned about presenting a positive image of themselves, others are a lot more open about who they are. Stern (2008) found, for example, that a young woman who started a blog trying to present herself as Carrie Bradshaw, the main character of HBO's *Sex and the City*, changed over time to present more authentic elements of herself and disclose information that some readers found objectionable. She wrote about her lack of direction and about how she would simply like to find a husband and become a "soccer mom" and about her laziness about finding a job (Stern, 2008). In regard to this, she wrote, "Hey!, This is who I am! And you want to write in your comments, go ahead, but read this— This is me. Either you like it or you don't…. And from having to do that online, it's really made me fit into my own life" (Stern, 2008). In the case of these youth, the disclosure of private information should be treated like that of a person in a public space; we don't expect people to attack us or get angry at us when we are going on with our lives. The same should be expected of people in an online environment; they should not engage in attacks when they encounter other people's personal postings (Stern, 2008). Steele's examples suggest that it may be possible for us, collectively, to assert our rights and help co-create the norms and values we want for our society (Steele, 2012).

We have some evidence from Lampinen et al. (2011) that younger generations are not too concerned about fracturing boundaries. From the same study, we find that they are learning to frame potentially compromising content in a more positive light through humor, for example, when trying to minimize the seriousness of the material. This is what Lampinen et al. (Lampinen et al., 2011) call a *corrective collaborative strategy*.

8.2. The role of technology in a solution

Incorporating technologies can help. We know that timing and the author/source affect the value of information. In buying a car, for example, people do not look at five-year-old consumer reviews but rather at the latest ones. We also look for information that does not come from a company that is trying to sell us a car. Instead, we look for an independent source that is most likely to provide a less biased assessment of a vehicle. Because timing and sources are important factors in determining the value of information, search engines can implement similar and expanded criteria when they retrieve results about people. Results that are more recent and those from reputable

sources can be put near the top, while older and more questionable sources can be ranked lower. Today, technology allows search engine companies to use meta-tags such as <noindex>, <nofollow>, and <noarchive>, which cue Google not to index, not to follow, or not to store a cached copy of a page (Lindsay, 2014). Thus, there are tools available to add this additional set of tags to the list results we envision.

We may need to develop standards of information quality that can alert people to the veracity and potential ethical or unethical nature of a posting. Unlike Mayer-Schönberger (2007), who suggests the use of code for the self-destruction of content, we advocate instead the use of codes to sort information based on the criteria of quality, veracity, and age. An alternative to the deletion of information could be the implementation of standards that alert people to whether content is inappropriate, inaccurate, or disputed. This could include a rating to indicate a probability that the algorithm estimates to evaluate the accuracy of the information. This can be used to address negative reviews that a person may have given to companies or another person, such as a doctor, teacher, or lawyer. In this circumstance, a symbol could show that a person has offered a response to a negative rating, and then let the reader decide how to weigh the alternative explanations. Websites and social media sites could be validated with some sort of seal that indicates whether information is subject to the standards addressing such disputes. Similarly, Regan (2016) and Hirsch (2016) have argued that search engines should enable information practices that serve the public interest of our information economy. This would entail a focus on the social responsibility of large Internet players to move from particular stakeholder interests to the shared interests of all affected parties.

8.3. Anti-discrimination legislation

When privacy is put under the control of every individual, we release to a certain extent the burden of protection from companies to consumers (Regan, 2016). In the absence of anti-discrimination protection, others could harm us using the private data they have about us. A less individually onerous policy solution to such actions should include punishment for entities who misuse private information (Barnes, 2006). A way we can prevent damage that can result from people sharing their personal lives with others is to add protection for personal life components to anti-discrimination laws. As Hellman (2006) indicates, any discrimination that demeans people should be forbidden. As she argues, "There is a worth or inherent dignity of persons that requires that we treat each other with respect" (p. 5).

There are two reasons for why we should aim for such protection. First, social media is increasingly difficult to avoid and, while older generations may be able to live without it, it is now a primary means for younger people to communicate with peers. Second, we should not let work or other non-leisure activities dictate how to conduct our lives outside of those contexts.

The notion of non-discrimination is internationally recognized through the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 2 of the UDHR entitles everyone to its rights "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The definition's last two words, "other status," allow for the addition of other protections. The nineteenth session of the Human Rights Committee indicated precisely that the notion of discrimination included in the covenant is not exhaustive and acknowledged that "[t]he drafters intentionally left the grounds of discrimination open by using the phrase 'other status'" (UN, 2011). Paragraph 7 of the Covenant does not explicitly include categories such as sexual orientation and gender identity, disability, age, or health status, for example. From such broad protections, we argue that a personal life, the one that we decide to share with others through social media, can also be used as a rationale for discrimination, and thus should be considered within the Covenant.

We can defend the inclusion of such a right on two grounds: First, on the basis of block group protection (Reaume, 2003), where certain people in our society engage in certain leisure activities that others may find "deplorable," even though they are neither illegal nor harmful to others. If we do not protect people's personal lives, we may find that some companies, organizations, landlords, doctors, or other service providers may decide that some activities are more dignified than others and thus discriminate against people who engage in "undignified" leisure activities. It was once widely accepted, for example, to consider homosexual acts appropriate for public condemnation and legal action. People make all kinds of choices in their personal lives. As long as they do not cause direct harm to others, they should be protected. Second, when a photo/video posted on social media is used by a supervisor to fire someone or prevent a promotion, it can be considered a violation of a person's dignity (Hellman, 2006), as it casts a negative light on a personal activity that has no relationship to or impact on that person's work or merit within the workplace. Failing to recognize the legitimacy of personal activities that cause no direct harm to others can justify activities that should be considered discriminatory. As Reaume (2003) puts it, this denial "may have a serious detrimental impact upon the sense of self-worth and dignity of members of a group because it stigmatizes them" (p 665). In the same way that someone who identifies as LGBT should not be prevented from obtaining a service, employment, or a promotion, a person who practices a certain type of leisure activity should not be subject to discrimination, either.

Discriminating against people who choose to engage in certain activities in their personal lives presumes that some activities are less valuable than others or less worthy of respect, concern, and consideration than other activities. This does not mean that moral relativism should be adopted in all situations, as there can and should still be a robust public discussion of the morality and ethics of cultural and individual practices, both online and offline. This discussion should not, however, cross into social or legal sanctions imposed on those who engage in a controversial practice that does not directly harm anyone. For a person to feel that s/he enjoys a sense of worth, Reaume (2003) argues, s/he needs to feel.

> "secure in his or her identity as an individual, including as a member of those communities with which he or she identifies. He or she must feel a sense of belonging in his or her society, entitled to participate in its institutions and endeavors. Thus, a secure sense of self requires both confidence in one's identity and the ability to participate in society. …. [D]ignity is ascribed to human

beings independently of their particular accomplishments or merits or praiseworthiness. It refers to a kind of worth that is not contingent on being useful, or attractive, or pleasant, or otherwise serving the ends of others" (p. 675).

If prejudice is the cause of discrimination, we should also recognize that prejudice is a social construct that we may not even be aware of while belonging to a certain community. Our task is thus to be on the lookout for perceptions that can deny some groups their dignity.

8.3.1. How could anti-discrimination law be implemented and enforced?

An anti-discrimination agenda that protects a person's personal life could be implemented through a directive similar to the 1975 Equal Pay directive, which expanded the scope of Article 141 of the Treaty of Rome (Treaty Establishing the European Economic Community). When this was done, member states were then required to enact similar protections in their own legislation (Defeis, 2000). States can then adopt positive actions, which can include goals and time tables (Defeis, 2000).

Heavy monitoring of society may not be necessary. There is research that finds that the simple fact of passing anti-discrimination legislation reduces discrimination; hence, legislation alone plays an important role in fostering social norms and attitudes that can effectively reduce discrimination (Hebl, Barron, Cox, & Corrington, 2016) and networks of activists who can help develop "soft laws" (informal processes) in recognition of anti-discrimination policies. A directive would also open the door for lawsuits when violations occur (Sanders, 2002; Vanhala, 2006). In addition, when a law is implemented, an infrastructure of supportive entities emerges to accommodate and enforce the regulation. The Treaty of Amsterdam (1997) and the 2000 European Union Charter of Fundamental Rights led to the creation of a complex set of norms, political institutions and practices, civil society organizations (CSOs), and legal principles safeguarded by the European Court of Justice to ensure the protection of rights. As described by Ruzza (2014), the charter, when proclaimed, did not have a binding legal effect until it became part of the Treaty of Lisbon in 2009. In 2007, the European Union Agency for Fundamental Rights was created, replacing the European Monitoring Center on Racism and Xenophobia, and in 2010 the Agency began publishing reports assessing the impact of the legislation on fundamental rights (Ruzza, 2014). In the presence of all of these institutions, the enforcement of anti-discrimination began to migrate to the local level through CSOs, which provided groups with cultural tours, materials, resources, and legal and political information that could be used to seek redress for violations (Ruzza, 2014). End-of-racism movements in Europe have used many strategies to achieve their objectives, including political mobilizations such as marches, cultural initiatives, sit-in boycotts, and support for political initiatives that advance their cause (Rucker & Upton, 2006).

When something as significant as the protection of a person's personal life against discrimination is embedded in the legislation of a country, or as in this case, the European Union, it allows for many entities to engage in activities that can help support such an effort by raising awareness through reports and research. Academics, for example, have done countless experiments with resumes to detect discrimination on the basis of sexual orientation (Bailey, Wallace, & Wright, 2013), religion (Pierne, 2013; Wallace, Wright, & Hyde, 2014; Wright, Wallace, Bailey, & Hyde, 2013) gender (Darolia, Koedel, Martorell, Wilson, & Perez-Arce, 2016; Johnson & Lahey, 2011), age (Derous, Pepermans, & Ryan, 2017), race (Kang, DeCelles, Tilcsik, & Jun, 2016), ethnic background (Bartos, Bauer, Chytilova, & Matejka, 2016; Bertrand & Mullainathan, 2004; Blommaert, Coenders, & Tubergen, 2014), socioeconomic status (Darolia, Koedel, Martorell, Wilson, & Perez-Arce, 2015; Derous, Ryan, & Nguyen, 2012, 2015), political leanings (Gift & Gift, 2015) and immigrant status (Oreopoulos, 2011). This research has raised an awareness that has changed the hiring practices of European companies, which are now more sensitive to potential discrimination on the basis of all these vulnerabilities (Prügl & Thiel, 2009).

In the European Union, there are anti-racist CSOs who work in Brussels on these efforts and in support of human rights issues. These entities have a supporting role in Brussels and in other member states. Their experience has provided them with strategies that take advantage of their contacts with commission civil servants, sympathetic members of the European Parliament, and other European actors. They have established close relationships with the Fundamental Rights Agency and, in their contacts with them, have been able to help shape policy and participate in meetings, including the large annual meeting (Ruzza, 2014). CSOs work with national educational entities to raise awareness about these rights and highlight infringements before the European Fundamental Rights Agency to protect vulnerable groups. They also protect these groups by establishing coalitions with other civil society entities such as churches and social movement groups (Ruzza, 2014). Moreover, there is evidence within the European Union of how interest groups help support the agenda of the European Commission. Greenwood (2011) explains how the Directorate-General for Employment, Social Affairs and Inclusion helps to create, organize, and fund interest groups that support the implementation of initiatives at the state level. This is done through conferences that attract a wide range of stakeholders. Out of the conferences, groups generate action programs that involve developing competencies within member states.

Collectively we can raise awareness about the potential discrimination effects that certain personal activities may have on people's lives. Research on anti-discrimination legislation diffusion among the European States reveals that the adoption of an LGBT policy signals an economic modernization that affords countries external legitimacy and improves their reputation (Ayoub, 2015). The inclusion of an anti-discrimination clause that protects personal life could lead to the development of state policies aimed at eliminating forms of discrimination that may result from people's pursuit of their personal interests. Anti-discrimination laws can also enable states and other external entities to monitor instances of discrimination.[2] In Europe, there are efforts to develop policy and governance that

---

[2] Examples of reports done in many European countries include, for example, Laurent and Mihoubi's research (Laurent & Mihoubi, 2012) about wage differentials between homosexual and heterosexual males in France; the gender discrimination report done in Spain (Bustelo, 2009); the differences in health care provision for men who have sex with men in Bosnia and Herzegovina (Stojisavljevic, Djikanovic, & Matejic, 2017); the report about the ability to adopt by homosexual couples in Europe (Takacs, Szalma, & Bartus, 2016); and the many reports produced by what was the European Monitoring Centre on Racism and Xenophobia, which found, for example, that Muslims in Europe experience various forms of discrimination and marginalization in employment, education, and housing and are subject to negative stereotypes that make them vulnerable to verbal attacks and physical attacks on themselves and their property (Fella et al., 2012).

foster a post-National European Society, as well as European anti-discrimination regulations informed by a strong multiculturalism within the context of universal human rights (Enjolras, 2008). Researchers have also found that greater exposure to people's behaviors through the media or the Internet—behaviors that may have seemed objectionable in the past, such as those of the LGBT community—resulted in greater protection of their rights (Carlo-Gonzalez, McKallagat, & Whitten-Woodring, 2017; Szulc, 2016).

When certain aspects of our personal lives cease to be condemned, we might find that society organizes more effectively to continue to erode prejudice and discrimination. Holzhacker (2012) provides examples from the LGBT community, which was able to strengthen its rights through multiple efforts. He indicates that once a law passes, people feel more empowered to organize, as evidenced by the Arcigay in Italy and the Campaign Against Homophobia in Poland. A second mechanism he identifies operates through elite members of society who discreetly lobby for protections in favor of the discriminated; this was the approach used by the Hatter Society in Hungary. A third method is the use of highly visible public campaigns that involve strong local coalitions and collaboration with the government, such as the one used in the Netherlands to support LGBT equality (Holzhacker, 2012). Of course, the fact that a state issues anti-discrimination protection for personal life does not mean that it will immediately change people's acceptance of the more candid behavior that their peers display online. It shouldn't be surprising when, during a transition period, there will be outcomes from court decisions that continue to maintain the status quo.[3]

9. The realism of our idealism

We recognize that it will take time to implement these solutions and even more time for them to become widely accepted as a norm in society. This is what has prompted authors like Mayer-Schönberger (2011) to argue that these types of solutions will take too long to avoid damaging people's reputations, and consequently, their lives. Similarly, Reiman (1995) argues that it would be unjust for people to withstand the social pressure and endure the potential humiliation of online information about them that casts them in a negative light, so that they have to suffer a painful fate simply for doing things that others find socially unacceptable, unpopular, or unconventional. We argue that legislating against this form of anti-discrimination will accelerate the public acceptance of freedom in personal life choices. A few well-publicized cases will do more to reduce social stigma than "right to be forgotten" laws ever will. It is also true that societies can change in relatively short periods of time. One of the best examples is the acceptance of same-sex marriage. According to the Pew Research Center, there was a change in the United States from majority rejection (54%) to majority acceptance (62%) (Support for Same, 2017) in just 10 years from 2007 to 2017. Other socially controversial issues have followed a similar trajectory; for instance, smoking marijuana went from 67% disapproval in 2006 to 57% approval in 2016 (Support for marijuana, 2016).

We believe that a more open, transparent, and forgiving society will allow people to communicate more freely without having to be concerned about the implications or hide behind anonymity to express an unpopular opinion. We thus conclude that instead of being protected by deletions, and contrary to what Rosen thinks privacy affords us, we would like to see an accelerated move toward a society that allows people "the capacity for creativity and eccentricity for the development of self and soul, for understanding, friendship and even love" (2011, p. 223) without fear of being hurt by others.

Some may think that the inclusion of such protection in anti-discrimination legislation is naïve and unrealistic. However, this could be argued about many previously successful changes in social behavior and is, thus, simply incorrect. Legislation against discrimination has been very effective in reducing it, even though it can be difficult to demonstrate, and enhancing protections for whistleblowers is fostering the type of cultural change that we want to promote (Lewis, 2005). We argue that if we were to believe that "idealistic" approaches are impossible to achieve, we would make little progress on this and many other issues of rights. The inclusion of such a right has two advantages: first, it provides legalization that recognizes people's right to a personal life without fear of discrimination; and second, it creates an obligation on the part of governments and international agencies to monitor for infractions and ultimately move us in a direction that will prevent violations of this right.

10. Conclusion

We agree with the goal of the right to be forgotten: to give people a chance to move forward in spite of previous mistakes or socially unaccepted activities. We, however, disagree on the manner of achieving the goal. A micro, individual-based approach to hiding one's past or present through deletion continues to foster the notion of a perfect human, which makes complete virtuousness the only acceptable standard. The belief that only those considered to have perfect records can avoid discrimination is undesirable and increasingly untenable. Instead, we argue that we should give people many second chances, not because we lack knowledge of their flaws, but because we know, that like all of us, they are imperfect. We forgive them and allow them to learn, redeem themselves, improve, and continue to become productive members of society. We oppose the right to be forgotten because, in the desire to preserve individual interests, societal interests may actually end up worse off by perpetuating the notion of human perfection. The release of personal information may liberate us from the judgments of others as we increasingly recognize that we are all imperfect. Conversely, the right to be forgotten can result in the creation of sanitized selves, preventing us from recognizing mistakes from which we can learn and grow, not only individually but as a collective that is able to forgive and give second chances in spite of what we know about people. Furthermore, deleting information may lead us to the belief that once a person requests that information be deleted, it will be eliminated permanently, which, as we have shown in this paper, is not the case. Given this difficulty, people could spend a great deal of time trying

---

[3] An example is the *Gas and Dubois v. France* case, where the European Court of Human Rights found that the differential treatment of same-sex and opposite-sex couples regarding adoption did not violate rights guaranteed by the European Convention on Human Rights (P. Johnson, 2012).

to delete information, instead of living free of the negative repercussions that such information can currently have.

We also argue that deletion is not an entirely fair practice, given that those who implement the RtbF are not consistent in the manner they assess requests. This is exacerbated by the fact that people who have the resources can more effectively challenge a negative decision than those who don't. Also, allowing people to delete personal information fosters the idea, however accurate, that humans are vengeful by nature, and thus we need to protect ourselves from harm. It generates a culture of distrust, which relies on and spreads fear, to the benefit of companies that claim to help build or repair our online reputations, and in the end, the dynamic nature of our lives, as well as technology, prevents us from fully knowing whether deleting information will be beneficial or not. On the other hand, if we all accept the fact of the weaknesses in our nature, we may not regret the posting of information, but instead may reap benefits from doing so.

Given the negative effects that follow from laws related to the right to be forgotten, we propose other approaches. We recommend forgiving instead of forgetting; allowing people to more easily recover their dignity and respect; and developing online social conventions and government-enforced rules that can guide our conduct online, mimicking the type of behavior we all exhibit in face-to-face interactions. We can also take advantage of technology to allow people to make more informed decisions and judgments about what they find online; for example, search algorithms can help to rank information on the basis of quality, content type, and age. They are not neutral and should be discussed publicly, as they have a crucial impact on society.

In contrast to the right to be forgotten, we recommend focusing on a macro level solution, where privacy rights include the protection of people from forms of discrimination that may happen as a result of the negative use of personal information. We advocate the introduction of the right to a personal life under anti-discrimination legislation. We disagree with people who believe that these solutions are idealistic and would unfairly punish people who dare to be more open. We argue instead that we are already making progress, and the fact that the beginning is difficult does not justify abandoning the effort. Our solution assumes that people should be trusted up to the point where we can determine whether a violation has occurred. There is evidence of positive changes that have occurred in society when previous anti-discrimination laws were implemented. Societal attitudes change, companies begin to adjust their practices, and entire infrastructures emerge to support the enforcement of the law.

As we indicated at the beginning of this article, we advocate abandoning the idealized characterization of the perfect person, just as Mozart and Da Ponte so beautifully showed at the height of the Enlightenment. We must accept the weaknesses of others, as well as setbacks that occur in the real world, allowing for a culture of trust to merge, a culture that relies on empathy and shows humility when judging others. We recognize that it will take time to realize such a vision, but steps toward such a system, including the formal inclusion of a right to personal life in anti-discrimination legislation can move us closer to such a world.

References

Akerlof, G. (1970). The market for lemons. *Quarterly Journal of Economics, 84*(3), 488–500.

Auletta, A. T. (1983). Riservatezza e droit a l'oubli. In G. Alpa, M. Bessone, L. Boneschi, & G. Caiazza (Eds.), *L'informazione e i diritti della persona*. Napoli: Jovene.

Ambrose, M. L. (2014). Speaking of forgetting: Analysis of possible Non-EU responses to the right to be forgotten and speech exception. *Telecommunications Policy, 38*(8–9), 800–811. https://doi.org/10.1016/j.telpol.2014.05.002.

Antheunis, M., Vanden Abeele, M., & Kanters, S. (2015). The impact of facebook use on micro-level social capital: A synthesis. *Societies, 5*(2), 399.

Ayoub, P. M. (2015). Contested norms in new-adopter states: International determinants of LGBT rights legislation. *European Journal of International Relations, 21*(2), 293–322. https://doi.org/10.1177/1354066114543335.

Bailey, J., Wallace, M., & Wright, B. (2013). Are gay men and lesbians discriminated against when applying for jobs? A four-city, Internet-based field experiment. *Journal of Homosexuality, 60*(6), 873–894. https://doi.org/10.1080/00918369.2013.774860.

Banathy, B. H. (2000). *Guided evolution of society: a systems view*. New York: Kluwer Academic / Plenum Publishers.

Barnes, S. B. (2006). A privacy paradox: Social networking in the United States. *First Monday, 11*(9).

Bartos, V., Bauer, M., Chytilova, J., & Matejka, F. (2016). Attention discrimination: Theory and field experiments with monitoring information acquisition. *The American Economic Review, 106*(6), 1437–1475. https://doi.org/10.1257/aer.20140571.

Bertrand, M., & Mullainathan, S. (2004). Are Emily and Greg more employable than Lakisha and Jamal: A field experiment on labor market discrimination. *The American Economic Review, 94*(4), 991–1013. https://doi.org/10.1257/0002828042002561.

Besmer, A., & Richter Lipford, H.. (2010). Moving beyond untagging: Photo privacy in a tagged world. Paper presented at the Proceedings of the SIGCHI Conference on Human Factors in Computing Systems, from https://pdfs.semanticscholar.org/21b0/7e146c9b56dbe3d516b59b69d989be2998b7.pdf

Biasiotti, M. A., & Faro, S. (2016). The Italian perspective of the right to oblivion. *International Review of Law, Computers & Technology, 30*(1-2), 5–16. https://doi.org/10.1080/13600869.2015.1125159.

Blommaert, L., Coenders, M., & Tubergen, F. v (2014). Discrimination of Arabic-named applicants in The Netherlands: An internet-based field experiment examining different phases in online recruitment procedures. *Social Forces, 92*(3), 957–982. https://doi.org/10.1093/sf/sot124.

Brayne, S. (2014). Surveillance and system avoidance: Criminal justice contact and institutional attachment. *American Sociological Review, 79*(3), 367–391.

Brock, G. (2016). *The right to be forgotten: Privacy and the media in the digital age*. New York, NY: I.B. Tauris & Co. Ltd.

Burke, M., Kraut, R., & Marlow, C.. (2011). Social capital on Facebook: Differentiating uses and users. Paper presented at the Proceedings of the SIGCHI Conference on Human Factors in Computing Systems.

Bustelo, M. (2009). Spain: Intersectionality faces the strong gender norm. *International Feminist Journal of Politics, 11*(4), 530–546. https://doi.org/10.1080/14616740903237491.

Byrum, K. (2017). The European right to be forgotten: A challenge to the United States Constitution's First Amendment and to professional public relations ethics. *Public Relations Review, 43*(1), 102–111. https://doi.org/10.1016/j.pubrev.2016.10.010.

Cacciottolo, M. (2012). *The Streisand Effect: When censorship backfires*. Retrieved November 25, 2017, from http://www.bbc.com/news/uk-18458567.

Caliskan, A., Bryson, J. J., & Narayanan, A. (2017). Semantics derived automatically from language corpora contain human-like biases. *Science, 356*(6334), 183–186. https://doi.org/10.1126/science.aal4230.

Carlo-Gonzalez, C., McKallagat, C., & Whitten-Woodring, J. (2017). The Rainbow Effect: Media freedom, internet, and gay rights. *Social Science Quarterly, 98*(3), 1061–1077. https://doi.org/10.1111/ssqu.12442.

Castellano, P. S. (2012). The right to be forgotten under European law: A constitutional debate. *Lex Electronica, 16*(1).

Cohen, N. (2011). *Your phone company is watching; Politician's inquiry shows how much data collected without users' knowledge*. International Herald Tribune. http://bi.galegroup.com.libezproxy2.syr.edu/essentials/article/GALE%7CA252506008?u=nysl_ce_syr&sid=summon.

Cohen, A. (2017). *Imbeciles: The supreme court, American Eugenics, and the sterilization of Carrie Buck*. New York: Penguin.

Connolly, C. M. (2005). A process of change. *Journal of GLBT Family Studies, 1*(1), 5–20. https://doi.org/10.1300/J461v01n01_02.

Cunningham, M. (2017). Privacy law that does not protect privacy, forgetting the right to be forgotten. *Buffalo Law Review, 65*(3), 495.

Darolia, R., Koedel, C., Martorell, P., Wilson, K., & Perez-Arce, F. (2015). Do employers prefer workers who attend for-profit colleges? Evidence from a field experiment. *Journal of Policy Analysis and Management, 34*(4), 881–903. https://doi.org/10.1002/pam.21863.

Darolia, R., Koedel, C., Martorell, P., Wilson, K., & Perez-Arce, F. (2016). Race and gender effects on employer interest in job applicants: New evidence from a resume field experiment. *Applied Economics Letters, 23*(12), 853–856. https://doi.org/10.1080/13504851.2015.1114571.

De Baets, A. (2016). A historian's view on the right to be forgotten. *International Review of Law, Computers & Technology, 30*(1–2), 57–66. https://doi.org/10.1080/13600869.2015.1125155.

De Terwangne, C. (2014). The right to be forgotten and informational autonomy in the digital environment. In A. Ghezzi, Â. Pereira, & L. Vesnic-Alujevic (Eds.), *The ethics of memory in a digital age* (pp. 82–101). New York: Springer.

Defeis, E. F. (2000). The Treaty of Amsterdam: The next step toward gender equality? *Boston College International and Comparative Law Review, 23*(1), 1.

Derous, E., Pepermans, R., & Ryan, A. M. (2017). Ethnic discrimination during resume screening: Interactive effects of applicants' ethnic salience with job context. *Human Relations, 70*(7), 860–882. https://doi.org/10.1177/0018726716676537.

Derous, E., Ryan, A. M., & Nguyen, H. H. D. (2012). Multiple categorization in resume screening: Examining effects on hiring discrimination against Arab applicants in field and lab settings. *Journal of Organizational Behavior, 33*(4), 544–570. https://doi.org/10.1002/job.769.

Derous, E., Ryan, A. M., & Serlie, A. W. (2015). Double jeopardy upon resume screening: When Achmed is less employable than Aïsha. *Personnel Psychology, 68*(3), 659–696. https://doi.org/10.1111/peps.12078.

Deuze, M. (2011). Media life. *Media, Culture & Society, 33*(1), 137–148.

Dunne, A., Lawlor, M.-A., & Rowley, J. (2010). Young people's use of online social networking sites–a uses and gratifications perspective. *Journal of Research in Interactive Marketing, 4*(1), 46–58.

Ellison, N. B., Steinfield, C., & Lampe, C. (2007). The benefits of Facebook "friends:" Social capital and college students' use of online social network sites. *Journal of Computer-mediated Communication, 12*(4), 1143–1168.

Eltis, K. (2011). Breaking through the Tower of Babel: a Right to be Forgotten and how trans-systemic thinking can help re-conceptualize privacy harm in the age of analytics. *Fordham Intell. Prop. Media & Ent. LJ, 22*, 69.

Enjolras, B. (2008). Two hypotheses about the emergence of a post-national European model of citizenship. *Citizenship Studies, 12*(5), 495–505. https://doi.org/10.1080/13621020802337923.

Erdos, D. (2016). *European regulatory interpretation of the interface between data protection and journalistic freedom: An incomplete and imperfect balancing act? Public Law.*

European Commission. (2012). *Regulation (EU) 2016/679 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).* Brussels.

European Parliament. (2016). Regulation (EU) 2016/679 of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). *Official Journal of the European Union, L119,* 1–88. citeulike-article-id:14071352.

European Union. (1997). *Treaty on European Union (consolidated version) Treaty of Amsterdam.* from: http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=48624b6b2.

Exline, J. J., Worthington, E. L., Jr., Hill, P., & McCullough, M. E. (2003). Forgiveness and justice: A research agenda for social and personality psychology. *Personality and Social Psychology Review, 7*(4), 337–348.

Fella, S., & Ruzza, C. (2012). *Anti-racist movements in the EU: Between Europeanisation and national trajectories.* New York: Springer.

Ferri, G. (1990). Diritto all'informazione e diritto all'oblio. *Riv. dir. civ,* 1.

Frank, R. H., & Cook, P. J. (1991). *Winner-take-all markets.* Political Economy Research Group. Papers in Political Economy http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1017&context=economicsperg_ppe.

Garfinkel, H. (1967). *Studies in ethnomethodology.* New Jersey: Prentice-Hall.

Gift, K., & Gift, T. (2015). Does politics influence hiring? Evidence from a randomized experiment. *Political Behavior, 37*(3), 653–675. https://doi.org/10.1007/s11109-014-9286-0.

Google. (2017). *Transparency report.* Retrieved November 5, 2017, from https://transparencyreport.google.com/eu-privacy/overview?privacy_requests=p:2&lu=privacy_requests.

Greenwood, J. (2011). *Interest representation in the European union* (3rd ed.). New York, NY: Palgrave Macmillan.

Hargittai, E., & Marwick, A. (2016). "What can I really do?" Explaining the privacy paradox with online apathy. *International Journal of Communication, 10,* 3737–37575.

Hebl, M., Barron, L., Cox, C. B., & Corrington, A. R. (2016). The efficacy of sexual orientation anti-discrimination legislation. *Equality, Diversity and Inclusion: An International Journal, 35*(7/8), 449–466. https://doi.org/10.1108/EDI-07-2016-0060.

Hellman, D. (2006). Discrimination: When is it morally wrong and why. *Dartmouth Law Journal, 4,* 3.

Hendel, J. (2012). *Why Journalists Shouldn't Fear Europe's 'Right to be Forgotten.* The Atlantic. from: https://www.theatlantic.com/technology/archive/2012/01/why-journalists-shouldnt-fear-europes-right-to-be-forgotten/251955/.

Hirsch, D. D. (2016). Privacy, public goods and the tragedy of the trust commons: A response to professors Fairfield and Engel. *Duke Law Journal Online, 65*(February), 67–93.

Holzhacker, R. (2012). National and transnational strategies of LGBT civil society organizations in different political environments: Modes of interaction in Western and Eastern Europe for equality. *Comparative European Politics, 10*(1), 23–47. https://doi.org/10.1057/cep.2010.21.

Hoskins, A. (2014). The right to be forgotten in post-scarcity culture. In A. Ghezzi, Â. Pereira, & L. Vesnic-Alujevic (Eds.), *The ethics of memory in a digital age–interrogating the right to Be forgotten* (pp. 50–64). New York: Springer.

Johnson, B. (2010). *Privacy no longer a social norm, says Facebook founder.* The Guardian. https://www.theguardian.com/technology/2010/jan/11/facebook-privacy.

Johnson, P. (2012). Adoption, homosexuality and the European convention on human Rights: Gas and Dubois v France. *The Modern Law Review, 75*(6), 1136–1149. https://doi.org/10.1111/j.1468-2230.2012.00939.x.

Johnson, E., & Lahey, J. (2011). The resume characteristics determining job interviews for middle-aged women seeking entry-level employment. *Journal of Career Development, 38*(4), 310–330. https://doi.org/10.1177/0894845310372772.

Jones, M. L. (2016). *Ctrl+ Z: The right to be forgotten.* NYU Press.

Judgement in Case C-131/12, Google Spain SL, Google Inc v Agencia Española de Proteccion de Datos (AEPD), Mario Costeja Gonzalez (Court of Justice of the European Union May 2014).

Kang, S. K., DeCelles, K. A., Tilcsik, A., & Jun, S. (2016). Whitened resumes: Race and self-presentation in the labor market. *Administrative Science Quarterly, 61*(3), 469–502. https://doi.org/10.1177/0001839216639577.

Knight, A. K. (2007). Striking the balance between anti-discrimination laws and First Amendment freedoms: An alternative proposal to preserve diversity. *Thomas Jefferson Law Review, 30*(1), 249.

Korenhof, P., & Koops, B.-J. (2014). Identity construction and the right to be forgotten: The case of gender identity. In A. Ghezzi, Â. Pereira, & L. Vesnic-Alujevic (Eds.), *The ethics of memory in a digital Age: Interrogating the right to be forgotten* (pp. 102–126). New York: Springer.

Lampinen, A., Lehtinen, V., Lehmuskallio, A., & Tamminen, S. (2011). We're in it together: interpersonal management of disclosure in social network services. Paper presented at the Proceedings of the SIGCHI Conference on Human Factors in Computing Systems, Vancouver, BC, Canada. https://pdfs.semanticscholar.org/d86c/4dc108cf7262f56ce05a1dbfbada7e2299bf.pdf.

Lasica, J. D. (1998). The world wide web never forgets. *American Journalism Review, 20*(5), 68–69.

Laurent, T., & Mihoubi, F. (2012). Sexual orientation and wage discrimination in France: The hidden side of the rainbow. *Journal of Labor Research, 33*(4), 487–527. https://doi.org/10.1007/s12122-012-9145-x.

Lee, C. S., Goh, D. H. L., Chua, A. Y., & Ang, R. P. (2010). Indagator: Investigating perceived gratifications of an application that blends mobile content sharing with gameplay. *Journal of the Association for Information Science and Technology, 61*(6), 1244–1257.

Lewis, D. (2005). Providing rights for whistleblowers: Would an anti-discrimination model be more effective? *Industrial Law Journal, 34*(3), 239–252. https://doi.org/10.1093/indlaw/dwi020.

Lindroos-Hovinheimo, S. (2016). Legal subjectivity and the 'right to be forgotten': A Rancierean analysis of Google. *Law and Critique, 27*(3), 289–301. https://doi.org/10.1007/s10978-016-9185-0.

Lindsay, D. (2014). The 'right to be forgotten' by search engines under data privacy law: A legal analysis of the Costeja ruling. *Journal of Media Law, 6*(2), 159–179. https://doi.org/10.5235/17577632.6.2.159.

Luskin, F. (2006). Forgiveness: A sampling of research results. In F. Denmark, D. Chitayat, H. Cook, C. Okorodudu, J. Sigal, H. Takooshian, N. Rubin, N. Simon, N. Anderson, & M. Bullock (Eds.), *Forgiveness a sampling of research results*. Washington, DC: APA.

MacCarthy, M. (2010). New directions in privacy: Disclosure, unfairness and externalities. *I/S: A Journal of Law and Policy for the Information Society, 6*, 425–512.

MacCarthy, R. (2016). *The average twitter user now has 707 followers*. KickFactory. Retrieved November 25, 2017, from https://kickfactory.com/blog/average-twitter-followers-updated-2016/.

Mantelero, A. (2013). The EU proposal for a general data protection regulation and the roots of the 'right to be forgotten'. *Computer Law & Security Review, 29*(3), 229–235. https://doi.org/10.1016/j.clsr.2013.03.010.

Marwick, A. E., & Boyd, D. (2014). Networked privacy: How teenagers negotiate context in social media. *New Media & Society, 16*(7), 1051–1067.

Marwick, A., Fontaine, C., & Boyd, D. (2017). "Nobody sees It, nobody gets mad": Social media, privacy, and personal responsibility among low-SES youth. *Social Media+Society, 3*(2). https://doi.org/10.1177/2056305117710455, 2056305117710455.

Massanari, A. (2017). #Gamergate and the fappening: How reddit's algorithm, governance, and culture support toxic technocultures. *New Media & Society, 19*(3), 329–346.

Mayer-Schönberger, V. (2007). *Useful void: The art of forgetting in the age of ubiquitous computing*. Faculty Research Working Papers Series. Retrieved July 14, 2017, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=976541.

Mayer-Schönberger, V. (2011). *Delete: The virtue of forgetting in the digital age*. Princeton, NJ: Princeton University Press.

Mazie, S. (2016). *Do you have too many facebook friends?* Big Think, (November 25) http://bigthink.com/praxis/do-you-have-too-many-facebook-friends.

McGoldrick, D. (2013). Developments in the right to be forgotten. *Human Rights Law Review, 13*(4), 761–776. https://doi.org/10.1093/hrlr/ngt035.

McNealy, J. E. (2012). The emerging conflict between newsworthiness and the right to be forgotten. *Northern Kentucky Law Review, 39*, 119–135.

Micheli, M. (2016). Social networking sites and low-income teenagers: Between opportunity and inequality. *Information, Communication & Society, 19*(5), 565–581.

Moore, A. (2008). Defining Privacy. *Journal of Social Philosophy, 39*(3), 411–428. https://doi.org/10.1111/j.1467-9833.2008.00433.x.

Naussbaum, E. (2017). *Say everything*. Ney Work Magazine. October 29th http://nymag.com/news/features/27341/.

Oreopoulos, P. (2011). Why do skilled immigrants struggle in the labor market? A field experiment with thirteen thousand resumes. *American Economic Journal: Economic Policy, 3*(4), 148–171. https://doi.org/10.1257/pol.3.4.148.

Ostrom, E. (2015). *Governing the Commons: The evolution of institutions for collective action*. Cambridge University Press.

Park, N., Kee, K. F., & Valenzuela, S. (2009). Being immersed in social networking environment: Facebook groups, uses and gratifications, and social outcomes. *CyberPsychology & Behavior, 12*(6), 729–733.

Pennington, J., Socher, R., & Manning, C. D. (2014). *Glove: Global vectors for word representation. 2017*. http://www.aclweb.org/anthology/D14-1162.

Pereira, À. G., Ghezzi, A., & Vesnic-Alujevic, L. (2014). The ethics of forgetting and remembering in the digital world through the eye of the media. In A. Ghezzi, À. G. Pereira, & L. Vesnic-Alujevic (Eds.), *The ethics of memory in a digital age* (pp. 9–27). New York: Palgrave Macmillan.

Petley, J. (2013). *Media and public shaming: Drawing the boundaries of disclosure* (1 ed.). UK: I.B. Tauris: Oxford.

Phillips, W. (2015). *This is why we Can't have nice Things: Mapping the relationship between online trolling and mainstream culture*. Cambridge, MA: MIT Press.

Pierne, G. (2013). Hiring discrimination based on national origin and religious closeness: Results from a field experiment in the Paris area. *IZA Journal of Labor Economics, 2*(1), 1–15. https://doi.org/10.1186/2193-8997-2-4.

Pitt, J. (2004). Digital blush: towards shame and embarrassment in multi-agent information trading applications. *Cognition, Technology & Work, 6*(1), 23–36.

Pound, R. (1915). *Interests of Personality* (Vol. XXVIII). Harvard University Press.

Prügl, E., & Thiel, M. (2009). *Diversity in the European union*. New York: Springer.

Reaume, D. G. (2003). Discrimination and dignity. *Louisiana Law Review, 63*(3), 645.

Reding, V. (2010). *Privacy matters - why the EU needs new personal data protection rules*. from http://europa.eu/rapid/press-release_SPEECH-10-700_en.htm.

Regan, P. M. (2016). Reviving the public trustee concept and applying it to information privacy policy. *Maryland Law Review, 76*, 1025–1043.

Reiman, J. H. (1995). Driving to the panopticon: A philosophical exploration of the risks to privacy posed by the highway technology of the future. *Santa Clara Computer & High Tech. LJ, 11*, 27–44.

Rifkin, J. (2009). *The empathic civilization: The race to global consciousness in a world in crisis*. Penguin.

Robertson, A.. (2015). Google 'right to be forgotten' requests keep piling up. The Verge, 2017(November 11). https://www.theverge.com/2015/11/25/9801130/google-transparency-report-right-to-be-forgotten-2015.

Ronson, J. (2016). *So You've been publicly shamed*. New York: Riverhead Books.

Rosen, J. (2012). *The right to be forgotten* (Vol. 64). Stanford law review online.

Rucker, W. C., & Upton, J. N. (2006). *Encyclopedia of American race riots*. Westport, CT: Greenwood.

Rusu, M. S. (2015). From the will to memory to the right to be forgotten A paradigm shift in the culture of remembering. *Philobiblon, 20*(2), 382.

Ruzza, C. (2014). Civil society actors and EU fundamental rights Policy: Opportunities and challenges. *Human Rights Review, 15*(1), 65–81. https://doi.org/10.1007/s12142-013-0296-9.

Sanders, D. (2002). Human rights and sexual orientation in international law. *International Journal of Public Administration, 25*(1), 13–44. https://doi.org/10.1081/PAD-120006537.

Sartor, G. (2015). The right to be forgotten in the Draft data protection regulation. *International Data Privacy Law, 5*(1), 64–72. https://doi.org/10.1093/idpl/ipu030.

Schäfer, M. T. (2011). *Bastard culture! How user participation transforms cultural production*. Amsterdam: Amsterdam University Press.

Schelling, T. C. (2006). *Micromotives and macrobehavior*. New York: WW Norton & Company.

Schilling, M. A. (2002). Technology success and failure in winner-take-all markets: The impact of learning orientation, timing, and network externalities. *Academy of Management Journal, 45*(2), 387–398.

Schneier, B. (2010). A taxonomy of social networking data. *IEEE Security & Privacy, 8*(4), 88, 88.

Spencer, H. (1892). *Justice: Being Part IV. of the Principles of Ethics*. New York: D. Appleton and Company.

Squicciarini, A. C., Shehab, M., & Paci, F. (2009). Collective privacy management in social networks. In *Paper presented at the proceedings of the 18th international conference on world wide web, Madrid*.

Srenger, P. (1999). *Son on privacy: 'Get over it'*. Wired. https://www.wired.com/1999/01/sun-on-privacy-get-over-it/.

Statista. (2015). *Average number of Instagram followers of teenage users in the United States as of March 2015*. Retrieved November 25, 2017, from https://www.statista.com/statistics/419326/us-teen-instagram-followers-number/.

Steele, R. D. (2012). *The open-source everything Manifesto: Transparency, truth, and trust*. Berkeley, CA: North Atlantic Books.

Stern, S. (2008). Producing sites, exploring identities: Youth online authorship. In D. Buckingham (Ed.), *Th John D. and Catherine T. MacArthur Foundation seires on digital media and learningYouth, identity, and digital media* (pp. 95–117). Cambridge, MA: MIT Press.

Stojisavljevic, S., Djikanovic, B., & Matejic, B. (2017). 'The devil has entered you': A qualitative study of men who have sex with men (MSM) and the stigma and discrimination they experience from healthcare professionals and the general community in Bosnia and Herzegovina. *PLoS One, 12*(6), 1–17. https://doi.org/10.1371/journal.pone.0179101.

Szekely, I. (2012). The right to forget, the right to be forgotten. In S. Guutwirth, R. Leenes, P. De Hert, & Y. Poullet (Eds.), *European data Protection: In good health?* (pp. 347–363). Dordrecht: Springer.

Szekely, I. (2014). The right to be forgotten and the new archival paradigm. In A. Ghezzi, Â. Pereira, & L. Vesnic-Alujevic (Eds.), *The ethics of memory in a digital age* (pp. 28–49). New York: Springer.

Szulc, L. (2016). Domesticating the nation online: Banal nationalism on LGBTQ websites in Poland and Turkey. *Sexualities, 19*(3), 304–327. https://doi.org/10.1177/1363460715583604.

Takacs, J., Szalma, I., & Bartus, T. (2016). Social attitudes toward adoption by same-sex couples in Europe. *Archives of Sexual Behavior, 45*(7), 1787–1798. https://doi.org/10.1007/s10508-016-0691-9.

Terlon, C. (1985). *The second self: Computers and the Human Spirit.* MIT Press.

Thompson, J. B. (2005). The new visibility. *Theory, Culture & Society, 22*(6), 31–51.

Thompson, J. B. (2013). *Political Scandal: Power and visibility in the media age.* Cambridge, UK: John Wiley & Sons.

Tippmann, S., & Powles, J. (2015, July 14). *Google accidentally reveals data on 'right to be forgotten' requests, The Guardian.* Retrieved from. https://www.theguardian.com/technology/2015/jul/14/google-accidentally-reveals-right-to-be-forgotten-requests.

Tjong Tjin Tai, T. F. E. (2016). The right to be forgotten - private law enforcement. *International Review of Law, Computers & Technology, 30*(1–2), 76–83. https://doi.org/10.1080/13600869.2016.1138628.

Toobin, J. (2014, September 29). *The solace of oblivion.* The New Yorker.

Tversky, A., & Kahneman, D. (1974). Judgment under uncertainty: Heuristics and biases. *Science, 185*(4157), 1124–1131.

UN. (2011, November 17). *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.* Human Rights Council 19th Session. from http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf.

Van Alsenoy, B., Ballet, J., Kuczerawy, A., & Dumortier, J. (2009). Social networks and web 2.0: Are users also bound by data protection regulations? *Identity in the Information Society Journal, 2*(1), 65–79.

Vanhala, L. (2006). Fighting discrimination through litigation in the UK: The social model of disability and the EU anti-discrimination directive. *Disability & Society, 21*(5), 551–565. https://doi.org/10.1080/09687590600786801.

Wallace, M., Wright, B. R. E., & Hyde, A. (2014). Religious affiliation and hiring discrimination in the American South: A Field experiment. *Social Currents, 1*(2), 189–207. https://doi.org/10.1177/2329496514524541.

Walz, S. (1997). Relationship between the freedom of the press and the right to informational privacy in the emerging information society. Paper presented at the 19th International Data Protection Commissars Conference, Brussels.

Weber, R. H. (2011). *The right to Be forgotten. More than a Pandora's Box, 2.*

Wright, B. R. E., Wallace, M., Bailey, J., & Hyde, A. (2013). Religious affiliation and hiring discrimination in New England: A field experiment. *Research in Social Stratification and Mobility, 34*, 111. https://doi.org/10.1016/j.rssm.2013.10.002.

Xue, M., Magno, G., Cunha, E., Almeida, V., & Ross, K. W. (2016). The right to be forgotten in the media: A data-driven study. *Proceedings on Privacy Enhancing Technologies,* (4), 389–402. https://doi.org/10.1515/popets-2016-0046, 2016.

Zittrain, J. L. (2008). *The future of the Internet and how to stop it.* New Haven, CT: Yale University Press.