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The right NOT to be forgotten

Dutch prime minister Rutte made a poignant statement in the Security Council: 'Everyone feels the pain of the plane crash.' For the MH17 air crash is still reverberating and will never be erased from our memories. 298 Victims, 193 of whom were Dutch – a number that shocked everybody in the Netherlands to the core. To me it still feels as if it happened yesterday. It is one of those moments about which you will always remember where you were when you heard about it.

All that remains for the victims' relatives, friends and acquaintances are their memories. While they have started mourning, there is also much to be arranged with the various authorities.

Even if someone has been pronounced legally dead, they continue to be present on the internet. Who, then, is responsible for our online legacy? On the basis of the Dutch Data Protection Act (Wbp) someone who has died in the physical world ceases to be a natural person and no longer entitled to the rights based on the Wbp. Current legislation is mainly intended to protect the living. But the privacy of people who continue to be present on the internet has not been safeguarded in any act.

On the internet, your identity simply lives on, while digital data is not so easily accessible. User names and passwords are not released just like that. And the organisations owning this data do not apply consistent rules (or sometimes have no rules at all, for instance web shops) to transfer data ownership. Hotmail only supplies an 'e-mail archive' on a disk, provided the right formalities have been entered. LinkedIn, on the other hand, only has a *verification of death* process that will eventually result in the account being removed; the information cannot be transferred and the credentials (user name and password) are not released. It is clear there is no standard or set of rules in this regard.

Another problem is that sometimes it is unclear where someone's online legacy is to be found. Commercial parties do increasingly cater to the need to record this. A service like Ziggur enables internet users to determine for themselves what is to happen with their online profiles and assets after death. Ziggur fulfils their wishes and thus gives the bereaved some peace of mind.

Otherwise, we cannot escape the fact that our digital legacy is flitting all over the internet. Even activities that were or were not intended perpetuate throughout your digital lifetime. It was a Spanish national who first filed a complaint with Google because the auction of his house was still retrievable through the Google search engine; he demanded that this link be removed. Ultimately, this complaint went to court, and Google lost the case, because a judge ruled that an individual must have the right to have personal data removed at his/her request, known as *the right to be forgotten*. By now, Google has received thousands of requests.

On the other hand, though, if you have lost a loved one, you may well want to cherish the digital memories that loved one has left behind... the right NOT to be forgotten.