

ONLINE RIGHT TO BE FORGOTTEN: HUMAN RIGHT OR SOCIAL E- DEMOCRACY NECESSITY

Augusto Sebastio
University of Bari, Italy
ausebas@tin.it

Michele Corleto
Pegaso Telematic University, Italy
michele.corleto@unipegaso.it

Abstract:

The Internet is a tool often used without rules and without rights officially recognized. Constant evolution deserve specific recognition of a category of online rights or of the rights recognized in the network without separate digital scope analogical scope. In the era of extreme social participation it is impossible not to consider the right to cancellation of the data, the right to no longer be part of an inclusive system that facilitates participation but it doesn't ease the exclusion and afterthought. The present research is a tool for evaluation and analysis of new regulations proposed by the European Union with a view to protecting the individual and personal data from social participation, social-network and sharing forms that do not admit second thoughts and safeguards leaving perennial traces on the net and with them the everlasting memory of positive news as negative ones. In conclusion the present research anticipates the European issues that will be discussed in the near future about the debate on deletion of data from the network as a human right and as a right to dispose of themselves and protect their own personality.

Keywords: Right to be forgotten, Data Deletion, Human Right, Liability

1. ONLINE RIGHT TO BE FORGOTTEN HUMAN RIGHT OR SOCIAL E-DEMOCRACY NECESSITY

The Internet is a tool often used without rules and without rights officially recognized. Constant evolution deserve specific recognition of a category of online rights or specific rights recognized in the network without separate digital scope from analogical scope. The web is considered an international tool of e-democracy with all the contradictions and inconsistencies that the normal analogical democracy brings with it. The Net is perceived as a new space of conquest, an offshoot of the analogical world that bring each positivity and negativity of civil society, a mere transposition in the digital world. At the same time it is a new territory with rules and laws not enough completed. Its abstractness and inconsistency generates uncertainty and impalpability in a society already characterized by instability, leading to difficulties and consequences that deserve an in-depth analysis. It is always recognized that norms and law are the central and crucial mechanism through which a society exercise social control. In absence of these rules the web acts in a complex of often unwritten uses and behaviours is universally accepted as practice. In this era, in an historical moment of digital development of technology and faster information we have the same necessities of rules we had many years ago. The approach to the web and new technologies takes place without sufficient preparation and knowledge but according to uses and habits over time without repeated reference by codes and standards that nobody has ever introduced and in that way particular conduct, also wrong, repeated over time, become unwritten law but accepted by all. The Global digital village is made by an impersonal society that interact without un-adequate information. Personal data are assembled, amplified, altered, fragile, created and easily manipulated for e-markets and e-marketing or for reasons of social or political control. Sharing opinion and ideas have a big price to pay. In every social field as security statement, from data protection to human rights and, through the primary establishment of universally accepted international principles to facilitate the development and understanding of the processes of e-democracy. This disorganized public space that is the web is subject to profound and wide-ranging reflections that the doctrine seeks to provide in the absence of precise rules and difficulties that arise from different policies across continents, countries, non-democratic regimes and individual needs of proponents of economic and social policy. Provide a tool not regulated exposes to risks and violations that are not easily perceptible to anyone who hasn't developed critical sense.

1.1 Human Rights and E-Democracy necessity

The network reflects the contradictions of contemporary society and making it more unstable raising them, making obsessive intrusion in private and State control of private life through traceability and the intrusion, tools become practice for hackers and for Governments and regimes that use them for traceability control and suppression of different movements at the State thinking. The Internet is public space but does not belong to everyone. Managing data stored in it is just a thriving business for a restricted group of owners who manage, control and sell them by giving them a market value before non-existent and that represents the price everyone pays for network services. The real trading consist in transferring information to third parties hobbies, works, like, dislike, data and credentials, everything that belongs to private sphere sold or bartered and traded in online market not sustainable but facilitated by practice and by the absence of international harmonised rules. In this context, comparing the rights of citizens, a new State and a single continent of membership without flags and borders and without a Constitution that guarantees certain principles and without a story and an evolution behind that fortifies the present through the force of tradition. In this new sociability that is the Internet, national and international interests compare themselves and in this context will decide the rules to be applied depending on development and the needs identified. It's impossible not to consider that e-democracy is only a part of the most important problem of democracy. In certain geographic areas but, as it's known, not all the population of the world has free access to internet services and information and it could be a consequence of money, or the result of a politic choice based on the control of independence and information in countries against democratic principles or with a vision of them totally used regime needs, without admitting interference from the International Community always attentive to the free movement of ideas considering the web as a tool of travel and disclosure. A particularly controversial issue in the world, is the existence or less of the right to information and participation recognized in the online status of a user, navigator, belonging to the State of the network without a Cyber-Constitution that protects the rights. If it is particularly difficult a recognition of online

democratic rights, even those already acquired in the real sphere, more difficult is the recognition of subsequent rights arising from the web.

Chats and social networks are generating new sociability, new mutual accreditation virtual squares, new tools but a new virtual country with intercultural citizens who do not feel citizenship and national identity constraint or the colours of the national flag but they feel only to belong to an electronic system that recognizes them and accept them, that makes them feeling empowered and recognised. even if their country does not recognize them and provides them. Membership in the virtual world users shifts the focus from real to virtual, connections and the network does not allow the focus of the State's problems and related population deals with more than the virtual reality allowing the perpetuation of social situations deeply rooted and is no longer challenged for lack of interest for the highest concentration to the artifice of the web. An escape from reality into infinite spaces of supposed legality. A new virtual identity, a mutual reciprocal accreditation raises that State, technological virtual membership without flags which presupposes freedom and concretized through one "click" or a "like", new forms of payment using implicit assignment unaware of personal data, the new frontier of marketing and of the accumulation of data.

The European Union always showed a great deal of attention to the right of the network and new issues arising from it privacy protection in particular. Attention to human rights, everywhere considered, is one of the main points of the European Union particularly sensitive to democratic principles and to instances of application of the same. The discussion is huge and it involve human rights and social programs and it will probably absorb the work of all the world institutions. It probably takes a new Breton Woods in the field of Law and Democracy, Privacy and Information technology. The debate is deep and not lack controversies about the right of access to the network as a fundamental right, the right to information and right to be part of a system of accreditation, aggregation and social qualification as a result of computer literacy, not yet total, discussing the right to participation in computer science. The network generates new problems such as the right to cancellation of the data, the protection of reputation, right to privacy and descendants from the concept of ownership of their data and managed information and network which makes making available to third parties perpetually, for better or for worse, creating a precise positioning in search engines and an indelible trace in network storage. Accurate or inaccurate information are easily and permanently at disposal on the web and eternally preserved in cyberspace.

The information assembled and reversed, though false, are available on the web by creating serious problems of reputation and identity that is closely tied to the reputation. The difference between what a person is and what has never been is substantial and deserves to be defended from every attack on the net. Without an effective control by laws, social attitudes of approval or disapproval, there are no certainties of accuracy regulated by a system of courtesy rules or practise. an uncontrolled entry system of information is not subject to control that will never be forgotten. While the un-virtual world examines systems enabling the memory of history that in time lose witnesses of carnage, events, massacres and strives not to forget, the world of cyberspace cares to forget, not to make indelible information and establishing the right to oblivion and deletion of data.

1.2 ONLINE RIGHT TO BE FORGOTTEN

The UE has always demonstrated strong attention and respect of evaluating the consequences of data protection and trying to prevent them through stringent regulations and attempting to regulate and recognize new rights such as the right to oblivion, in its more technical meaning of right to be forgotten from the internet. The Internet is considered an enabler of rights and a megaphone of resonance for the violation of the principles generally recognized as human rights but in his defining itself and its unpredictable development creates new emergencies and especially ranking new rights not popular but in need of recognition and elevating them to the degree value of universally recognized human rights as is happening in recent times for the online right to be forgotten. Personal data are part of the concept of property protected by law. The law manifests itself in the control and management of data through third-party Exchange through the use of the same and a new conceptual meaning in law to erase and forcing them to oblivion from the persistence of memory. A great help to be known and preserved in our real identity and reputation is a great target as knowing people for their true selves. Human dignity, reputation and personal identity protection deserve utmost attention and belonging to the category of human rights reliable on the web. A new classification as "right to be forgotten" with new forms of protection from web as reputational or bankruptcy requires, a decennial reset web

memory and still the extension of the right to adjustment online notice. Even those rights as the right to oblivion, or right to be forgotten as it's classified, with an evident characteristic of digital right are attributable to the category of human rights. The European Union, in recognition of the right, outlining the importance of institutional and civil problems linked to oblivion and memory, considers legitimate and necessary to delete the network, information, data, photographs, messages. The citizen's personal data have always been managed by public agencies and institutions and never, at least until the advent of the web, with commercial and profit purposes by private individuals. The relationship between citizens and the public sphere are much more important than relationships with private companies. the digital society must organize to protect personal data and not given a market price and gainful purposes generated by theft or by unconscious of their data delivery. For these online behaviour, which is a fraud, a recognition of a special category of damage is required. Personal data on the network requires deep and broad protection that only the right to be forgotten can guarantee against fraud purposes, from commercial attacks and to protect the reputation and dignity of the subjects, living and deceased donors. It is conceivable the right over life of data management, entrusted bequeathed to relatives or friends, online memory managers of the deceased for periods of more or less extensive expressly indicated in the testament

The manifestation of desire expressed by will, through the delivery of access codes and passwords, gives an absolute value to the work of the performer for digital functions. The person in charge of managing and closing of online profiles, a sort of online executor, in such a case, would have the right to sue to protect their rights by invoking memory deletion and use of personal data. European Union regulations consider new methods of management and compliance data and the need to develop the right to be forgotten still evolving but absolutely decisive for data online management and protection. Until now the reflections mainly concern the responsibility of providers but it's impossible to exclude in the future a specific protection legislation and the classification of a specific damage

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