



Indonesia's Right to be Forgotten: Readiness of Assessing Irrelevant Information/Data

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ABSTRACT

Maria Costeja Gonzales seems a to be figure who cannot be forgotten when discussing Right to be Forgotten (RTBF), due to her expectation to delete her information within the internet. Therefore, it ends with the enactment of Right to be Forgotten that has been left behind. Google and CJEU are the involved party in explaining clearly what RTBF is by referring to Directive 95/46/EC, then providing the reason limit of the information that can be submitted such as inadequate, irrelevant or no longer relevant, or excessive. After those reasons are considered as reference, in 2016, the European Union commences to enforce General Data Protection Regulation (GDPR) that RTBF is regulated therein, even though with new term as Right to Erasure (RTE). Article 17 GDPR regulates submitted reason and excluded information. Indonesia in the same year also legalized Law No. 19 of 2016 concerning in Lieu Law No. 11 of 2008 concerning Electronic Information and Transaction (UU ITE) regulating the condition similarly with the RTBF concepts, referred as "Right to be Forgotten" or RTBF Indonesian Version. One interesting point in the Article 26(3), (4) is about usable reason in submitting only "irrelevant" one. When Directive 95/46/EC and GDPR has regulated both RTBF and RTE well, in the contrary, UU ITE seems to take its own stance by expanding that reason submission. This article will attempt to examine the selection of "irrelevant" reason used in UU ITE in Indonesia.

Keywords: Right to be Forgotten, Right to Erasure, General Data Protection Regulation, Data Privacy