

Google Before the ECJ, Case C-131/12

Last year the Spanish Audiencia Nacional referred to the ECJ a number of questions in the framework of a process between Google and the Spanish Agency for Data Protection (AEPD); for the application see OJ C 165 from 09.06.2012. Summarizing, what the the Audiencia Nacional wants to know is whether Google is subjected to Spanish - European- law on data protection; if it is liable for the damages that diffusion of personal data may cause to citizens; and whether the individuals concerned can exercise their rights before the regulatory Spanish body and the Spanish tribunals, or if they have to go to court in the U.S. The Audiencia Nacional also wants to have the scope and contents of the rights to erasure and to block clarified, meaning whether an individual may apply for a search engine to stop indexing information about him/her published or included on the net by third parties . Google has maintained repeatedly that it merely accommodates third-party contents, and that it is not affected by the European legislation because it is based in California and responds to current regulations in the U.S.

The hearing took place yesterday at the New Great Courtroom. Advocate General Jääskien's opinion will be published on 25 June; the ECJ sentence might be ready by the end of this year.