

UK

ICO Orders Removal of Google Search Results

The ICO has ordered Google Inc. to remove nine search results following their ruling that these results were no longer relevant to the individual they were linked to. The links included details of a minor criminal offence committed by the individual almost 10 years ago.

The ICO ruling recognised that the journalistic content relating to decisions to delist search results, although newsworthy and in the public interest, has an unwarranted and negative impact on the individual's privacy and is a breach of the Data Protection Act.

[ICO enforcement notice](#) (PDF)

High Court Refuses Disclosure of a Confidential Report Following a Request Brought Under the Data Protection Act

Two men accused of murdering two British tourists in Thailand last year have had their application for disclosure of a Metropolitan Police report refused by the High Court. The application for disclosure was brought under s7(9) the Data Protection Act 1998 which requires the court to exercise an independent judgment in relation to whether a data subject access request should be complied with.

The police argued that it was entitled to refuse access to the report as confidentiality had been a precondition set by the Thai police. It was argued that if the High Court was to order the disclosure the ability of the police to enter into future international cooperative relationships may be jeopardised.

Mr Justice Green held that he had to "balance the interests of the police against those of the accused" and that "on the facts of the case and applying an intense proportionality test, the arguments and interests of the police outweigh those of the claimants." The judge also concluded that the report would have not have been of material assistance to the claimants in the operation of their defence and that there was nothing in the personal data which would be of any "real value" to the claimants.

[Zaw Lin and Wan Phyo v Commissioner of Police for the Metropolis](#) (PDF)

US

Federal Trade Commission Can Sue Companies with Poor Data Protection Security

On 24 August 2015, The United States Court of Appeals for the Third Circuit ruled in a case between Wyndham Hotels and the Federal Trade Commission that the Federal Trade Commission has the power to take action against companies that employ poor IT security practices. This decision has reaffirmed the FTC's authority to hold companies accountable for failing to safeguard consumer data.

[Federal Trade Commission v Wyndham Hotels and Resorts](#) (PDF)

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