



ALERT JUNE 2026:

***RIGHT TO BE FORGOTTEN, DEINDEXING, SEARCH ENGINES,
ORIGINAL WEBSITES OF COMMERCIAL COMPANIES – CONTRAC-
TUAL MANAGEMENT TO AVOID PENALTIES***

The European Data Protection Board (“**EDPB**”) published a contribution this month that brings attention to the issue of deindexing within the framework of the right to be forgotten and to the obligations of search engine providers pursuant to Regulation (EU) 2016/679 (“**GDPR**”) and Guidelines No. 5/2019. The purpose of contribution is to clarify the obligations of search engine providers with regard to requests for the deindexing of personal data pursuant to Sections 17 and 21 of the GDPR.

Deindexing does not entail the complete deletion of personal data either from the original website or from the search engine provider’s index or cache; rather, it only involves the removal of the relevant link. As explained in the Guidelines, a data subject may request the removal from a search engine’s index of personal data originating from a communication medium, such as a newspaper article. While the link to the personal data may be removed from the search engine’s index, the article itself remains under the control of the media outlet and continues to be publicly available and accessible, even though it is no longer displayed in search results.

EDPS outlines the approach that search engine providers should adopt when receiving a deindexing request from a data subject. In particular, providers should: (1) Verify the existence of a legal basis supporting the request; (2) Assess whether circumstances exist that warrant enhanced protection, such as where the personal data concerns minors; (3) Determine whether any of the exceptions provided for under the applicable legislation apply; and (4) Carry out a balancing test between the public’s right to information and the impact on the data subject’s privacy, in order to establish whether the former outweighs the latter. EDPB also confirms that search engine providers are under no obligation to inform the original website of the deindexing of a link.

In light of the above, EDPS’ latest intervention is primarily addressed to search engine providers, encouraging them to conduct a thorough assessment of each individual deindexing request. However, the indirect impact on commercial companies that own and operate the original websites concerned by such requests should not be underestimated.

Although search engine providers are not required to notify the commercial companies that own the original websites of any deindexing measures, it is advisable to rule such situations contractually. Companies should therefore consider including specific clauses in the service agreements with the search engine providers that establish notification obligations, coordinated management of deindexing requests, and appropriate indemnification mechanisms in the event of sanctions imposed under the GDPR.