



## Right to Be Forgotten: TEMPLARS Successfully Defends Google

26 October 2021, a High Court (HC) sitting in Lagos, in a landmark judgment, dismissed a claim for the enforcement of the right to the erasure of personal data, privacy rights and other fundamental rights against Google LLC.

Akin to the “right to be forgotten” under Article 17 of the General Data Protection Regulation, 2018 (GDPR) of the European Union (EU), the right to erasure of personal data is one of the novel rights introduced into Nigerian law by the Nigerian Data Protection Regulations, 2019 (NDPR)<sup>1</sup>.

The essence of the right is that in deserving circumstances, a person may request a data processor or data controller to delete personal data of the person making the request.

In this case<sup>2</sup>, the claimant, a cleric, who had been convicted and imprisoned in the United Kingdom in 2015, sued Google in Nigeria, seeking orders to compel Google to erase or delete from its digital platforms, including the Google Search Engine, information regarding his conviction and imprisonment in the UK.

The claimant claimed that the continued circulation of, or access to, the information on the internet through Google infringed upon his rights to privacy, freedom of association and dignity of his human person. He further asserted that he had been stigmatised and hindered from securing a job as a result of the continued access to the information on the

<sup>1</sup> The NDPR was made by the National Information Technology Development Agency (NITDA) pursuant to its power under section 32 the National Information Technology Development Agency Act, 2007.

<sup>2</sup> Hillary Ogom v. Google LLC & Anor - Suit No. IKD/3191GCM/2019 (Unreported).

### Key Contacts



**SADIQ ILEGIEUNO**

Partner

[sadiku.ilegieuno@templars-law.com](mailto:sadiku.ilegieuno@templars-law.com)



**JACOB OBI**

Senior Associate

[jacob.obi@templars-law.com](mailto:jacob.obi@templars-law.com)



**COLLINS OGBU**

Associate

[collins.ogbu@templars-law.com](mailto:collins.ogbu@templars-law.com)



**LAWAL KAZEEM**

Associate

[lawal.kazeem@templars-law.com](mailto:lawal.kazeem@templars-law.com)

internet via Google's digital platforms. He therefore sought, as his principal relief, the erasure by Google of the information which, according to him, was his personal data.

In its defence on behalf of Google, TEMPLARS submitted among others, that: (a) Google neither published nor aided the publication of the information complained of; (b) Google is unable to and cannot delete information which is published by independent internet users on third party websites; (c) information relating to the claimant's conviction and imprisonment in the UK is public information which the general public is entitled to access based on the common law principle of "open justice" and not the claimant's private or personal information; and (d) Google did not infringe upon the claimant's fundamental rights or any other rights.

The HC dismissed the claimant's entire claim against Google. It agreed, as submitted on Google's behalf, that the claim did not meet the legal standard for the invocation of the right to erasure of personal data. The HC also confirmed Google's position that the claimant failed to demonstrate how his rights to privacy, freedom of association and the dignity of his human person were violated, or that Google, through its search engine, was responsible for any of such violations.

Accordingly, the HC dismissed the claimant's request for the enforcement of his right to erasure of personal data and refused to make any orders directing Google or any other person or blogger to remove news content relating to his conviction and imprisonment by the UK court. The HC also declined the claimant's invitation to make orders restricting further access to the information through the Google Search Engine.

The TEMPLARS team was led by Disputes & METIS (Media Entertainment Technology Intellectual property and Sports) Partner, Sadiq Ilegieuno, assisted by senior associate, Jacob Obi and associates, Collins Ogbu and Kazeem Lawal.