[NL] Dutch Press Council introduces criteria for anonymization requests

IRIS 2021-6:1/23

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On 1 May 2021, the *Raad voor de Journalistiek* (Dutch Press Council) incorporated in its *Leidraad* (Guidelines) new criteria for assessing complaints from individuals who have unsuccessfully requested media to erase or anonymise their personal data in online publications. The Dutch Press Council also dealt with such requests prior to the introduction of these criteria in the Guidelines, pursuant to the general right to be forgotten (see, for example, IRIS 2018-6/7 and IRIS 2019-10/4), stressing the need for the creation of specific criteria.

The Dutch Press Council is an organisation maintaining a system of voluntary self-regulation of the press in the Netherlands. It considers complaints about media. In addressing complaints, the Dutch Press Council applies its Guidelines, which also allow journalists and the public to readily become familiar with the general views that guide the Dutch Press Council in evaluating complaints.

The Dutch Press Council notes that there is an urgent need to protect personal data. More and more people voice concern about their (digital) reputation and request media outlets to remove online publications. It further notes how the privacy rights of individuals can conflict with the right of information of the public. It states that the public interest of complete and reliable news archives in those instances should only be set aside in exceptional cases.

The Guidelines contain, in brief, the following 11 criteria for this assessment: the degree to which the individual has a direct interest; how easily the individual can be identified based on the publication; the implications of the publication for the individual; whether the individual is a minor; whether the individual cooperated with the publication and whether the individual knew or was aware of the consequences of the publication and their cooperation; the public interest in keeping the information available; the relevance of the personal information for the publication; the factual accuracy of the publication; whether the information is publicly available elsewhere and to what extent the individual contributed to the public availability; whether the publication deals with an opinion or a statement of facts; and prior opinions of the Dutch Press Council about the publication.

Finally, when confronted with a request to remove personal information, a journalist can also apply these criteria to quickly assess the validity of that request, i.e. whether the request for removal should be granted.

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Dutch Press Council, Council establishes criteria for requests for anonymisation, 30 April 2021

Dutch Press Council, Guidelines

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