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"Right To Be Forgotten Amidst Data Protection, Right To Privacy And Cyber Security"

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Abstract
The term "privacy" is defined broadly and includes many different ideas. The "right to privacy" comprises "right to be forgotten." Today's world of digitalization, social media, media trial and information technology, this right has become more important especially when any person can get famous or we can say infamous, in seconds. Trending on social media is a new trend nowadays, but with its speedy popularity and easy fame it also brings with it many downsides. A notion in law known as the "right to be forgotten" essentially gives someone the right to request that their personal information be deleted through websites and search engines, and other online sources. The right to forget is a component of one's right to privacy. The right to privacy has been affirmed by the Honourable Supreme Court as a basic freedom in the historic decision of Justice K.S. Puttuswamy v. Union of India[1]. Article will examine the significance Regarding the contemporary right to be forgotten, how to exercise it, how to recognize it, what might happen if this right is denied, and, finally, how challenging it is to exercise in this day and age where information is readily available.

Keywords: Right to be Forgotten, Personal Data Protection, Information Privacy, Privacy Rights, Digital Security.

INTRODUCTION

In today's era if digitalization and online social media, our lives are getting increasingly intertwined with the global online world. Day by day our digital footprints continue to expand, where all our personal details are available online, from places we travel, or present location to our shopping histories, what we search online, our thought patterns, etc. are available with the online sites and applications. Although, all this has given us more connectivity and convenience, it also brings up issues about, privacy, data security and individual autonomy and rights.

Nearly all countries now acknowledge the "right to privacy" as a basic value. The prerogative to be forgotten has become essential due to the growth of social media and the ease with which information available over the internet. We must create a compromise between our individual right to decide how and where our personal information is shared online and our right to information access. By acknowledging the right to be forgotten, this equilibrium can be reached. This is not only urgently needed, but it also reflects the rising understanding of the value of personal privacy and liberty in the digital age. Let's look at what ought to stay in the past nowadays. The "right to be forgotten" is a legal theory that allows an individual to request that be removed from search engines and websites along with their personal information. Therefore, if a person's personal information is no longer needed for the reasons it was first gathered or processed, they have the right to request that it be deleted. The prerogative to be forgotten exists to protect people's right to privacy and provide them more authority over their personal information.

Our online data can be misused in various ways, breaching our privacy and even leading to harmful consequences like identity theft, fraud, phishing, and other potential cybercrimes. Thus, data regulations are essential and so is the need for removal of data no longer needed.

Evolving Landscape of the "Right to be Forgotten"

Fundamental significance of the "right to privacy" is "the right to be left alone". Included in this declaration is the "right to be forgotten". The right may have had obscure beginnings, but in the age of digital technology, it is a relatively recent

[1] Justice K.S. Puttuswamy (Retd) v. Union of India, 2017 10 SCC 1

concept that sprang to prominence in the 2014 "Google, Spain vs. AEPD and Mario Costeja Gonzalez"[2]. In this landmark ruling on the European Court of Justice acknowledged an individual's "right to be forgotten. "Mario Gonzalez requested that connections to an outdated and irrelevant newspaper article about him be taken down from the search engine known as Google. Here is a quick summary of the case's background:
Mario Gonzalez, a Spanish national, experienced financial difficulties in 1998 and was in critical need of money. In an attempt to get out of it, he put an auction notice for one of his properties in the newspaper, which ended up online. Consequently, long after he had resolved his financial problems, anyone could look up the news of the sale on Google. Although the issue was resolved, the internet did not forget. Everyone assumed he was bankrupt because of this. As is well known, this caused him great harm to his reputation in addition to irreversible loss. He so brought the case before the judge.
The "right to be forgotten" is a crucial legal concept that was created with the ruling of the European Court of Justice verdict against Google. The court decided that EU members might ask for their personal data to be deleted or removed under specific circumstances from search results and public records database.[3]
The right was thus established, but the European Union Court limited its application to the EU, stating that the right is not applicable outside of Europe. Therefore, in order for its inhabitants to exercise their right to autonomy, each nation must acknowledge the right that falls under its purview.
The European Union established the framework for a very extensive data protection and privacy law shortly after the Google ruling. From "May 25, 2018, saw the General Data Protection Regulation, or GDPR, take the place of the Data Protection Directive of 1995". Apart from creating the idea of the "right to be forgotten.

The right to be erased is guaranteed by GDPR Article 17. Accordingly, article 17 is as follows:
"Article 17 Right to erasure"[4] ("right to be forgotten")

1. **When any of the subsequent circumstances occurs, the controller must grant the request from the data subject to have any personally identifiable information about them removed as quickly as feasible:**

(a) It is no longer necessary for the purposes for which the personal data was gathered or otherwise processed;
(b) If there is no other legal basis for the processing and the data subject withdraws consent under point (a) of Article 6(1) or point (a) of Article 9(2), as well as if the processing is allowed on another legal basis;
(c) In accordance with Article 21(1) or Article 21(2), the subject of the data objects to the processing if there are no compelling legal grounds for it;
(d) Improper processing of personal data;
(e) The controller must erase the personal data in order to comply with a legal obligation under Union or Member State legislation;
(f) Personal data has been gathered in the process of offering the information society services mentioned in Article 8(1).

2. When a controller has made personal information publicly available and is compelled by paragraph 1 to delete it, the controller must take appropriate action, including using technical means, to inform controllers handling the information that the data subject has asked for any links to, copies of, or replications of that information to be taken down.

This notification must take into account the technological capabilities of the controller and the implementation costs.

3. **When processing is required, the provisions of paragraph 1 and 2 do not apply:**

(a) For utilizing the freedoms of speech and knowledge;
(b) To perform duties for the benefit of the public, to satisfy legal requirements imposed by Union or Member State law, to comply with processing specifications, or to use official authority granted to the controller;
(c) In the interest of public health and in compliance with points (h) and (i) of Articles 9(2) and 9(3);
(d) For To the extent that the right specified in paragraph 1 is likely to prohibit or substantially impede the fulfillment of those processing's aims, for the purpose of attaining public interest objectives, scientific or historical research purposes in line with Article 89(1): or
(e) In order to assert, defend, or establish legal claims.

Other landmark case on right to be forgotten is **NT 1 and NT 2 vs. Google[5],** in this case the European Union court granted relief only to NT1 and declined removal request of NT 2 citing that the right of removal of information is not absolute and depends on the individual circumstances of each case. In this instance, the two petitioners were businesspeople who wanted links to news stories concerning their previous financial struggles to be taken down.

[2] C-131/12 Google Spain; ECLI:EU:C:2014:317 On 14th May,2014
[3] C-507/17, Google LLC, successor in law to Google Inc. vs. Commission nationale de l'informatique et des liberties (CNIL), on 24th September, 2019
[4] Article 17, General Data Protection Regulation- 2016/679
[5] NT1 and NT2 vs. Google LLC [2918] EWHC 799 (QB)

The “right to be forgotten” was affirmed in this case, but it also made it clear that, like other rights, it is susceptible to other rights and the specifics of each case.

The same thing was again upheld in the landmark case of **CJEU Google vs. CNIL**[6], this case became successor to Google, Spain vs. Gonzalez. In this case as well, the European Court of Justice rendered a decision declaring that other rights, such as the freedom of speech and expression, take precedence over the unalienable right to be forgotten. The "right to be forgotten" only applies to EU members because of the court ruling in this case restricted search engines' ability to delete and remove data only within the EU and not globally.

The next case is not of European Union but of Russia. The case is **Wikipedia vs. Russian Communications Oversight Agency**[7], which involved removal request to Wikipedia to remove certain content that Russian Authorities deemed inappropriate. The removal request was denied by Wikipedia. This case also highlighted the global debate about the balance between removal of information requests and freedom of speech and internet data censorship.

The "right to be forgotten" was established by the South Korean Constitution Court in 2018 and permits users to ask for the removal of their personal data from internet databases and search engine results.

So GDPR not only became first law to provide right to erasure but also laid down a comprehensive law relating to it, keeping in mind and addressing various challenges and concerns. GDPR became a guiding light for other countries to legislate on the right, which was a work long due. Along the lines of GDPR, many countries are trying to make “right to be forgotten” a part of written law. Many countries had already recognized it.

The general body of rules that the United States of America abides by to protect and defend its inhabitants has changed over time. However, a "Right to be Forgotten Act" was written and approved by the state of New York. Although it is less probable that the “right to be forgotten” will be officially acknowledged in the USA due to restrictions on free speech and expression, there are still legal options available to resolve privacy issues. A combination of case law, self-regulation, and federal and state rules are used to address privacy and data protection issues.

The courts often consider the principles of First Amendment, to address the issues relating to restriction and removal of online content. Some states like New York (as discussed earlier) have enacted their own privacy laws, though apart from New York they generally do not establish a comprehensive and specific permission to be forgotten.

Along with the rights to life and personal liberty, the Indian Constitution's Article 21 guarantees fundamental rights, which include the right to privacy.

Gobind vs. State of Madhya Pradesh[8] case, the court used the term “privacy” for the first time, referring to the “right to be let alone”. But the idea of the “right to privacy” was created and made legally recognised in the Kharak Singh vs. State of Uttar Pradesh[9].

However, as a basic right, the "right to privacy" was called into question by the rulings in Kharak Singh v. State of Uttar Pradesh[11] and M.P. Sharma vs. Satish Chandra, District Magistrate, Delhi[10].

Though later subsequent judgments recognized “right to privacy” as a fundamental right, but their benches were smaller than the benches in M.P. Sharma[10] and Kharak Singh[11] cases and therefore the situation was still not clear.

It was situated in the K.S. Puttuswamy v. Union of India[12] case that nine-judge Supreme Court majority recognised the right to privacy as a basic right. The bench unanimously concluded that one of the freedoms guaranteed by Part III of the Constitution and an essential component of the right to life and personal liberty is the right to privacy, which is protected by Article 21 of the Constitution.

However, the case of Dharamraj Bhanubhaskar Dave v. State of Gujarat in 2004[13] brought attention to the “right to be forgotten” in India. That's when Mr. Dave, an Indian national, was accused of a number of offenses in 2004 under the Indian Penal Code, 1860, including kidnapping and murder. But the trial court cleared him. Gujarat High Court upheld the acquittal in the appeal. The problem was that, even though the High Court's ruling was designated as non-reportable, it was openly accessible on Indiankanoon.com. Dave tried to get Indiankanoon.com and Google to take it down, but he was not successful.

Following his defeat, he filed an application with the Gujarat High Court, claiming that the ruling was publicly accessible online due to Indiankanoon.com's publication. Google said that because it was an automated search engine, it was neither legally nor technically able to comply with the injunction. In its ruling, the court declared that the Gujarat High Court Rules, 1993, Rule 151 designated the court as a court of record, meaning that anybody might request access to copies of the judgment and other court records. The court further declared that posting something on an internet website does not

[6] C-507/17, Google LLC, successor in law to Google Inc. vs. Commission nationale de l’informatique et des liberties (CNIL), on 24th September, 2019

[7] https://www.reuters.com/world/europe/wikipedia-fights-russian-order-remove-ukraine-war-information-202206-13/

[8] Gobind v. State of Madhya Pradesh 1975 2 SCC 14

[9] Kharak Singh vs. State of Uttar Pradesh (1962) AIR 1963 SC 1295

[10] Ibid

[11] Ibid

[12] K.S. Puttuswamy v. Union of India, 2017 10 SCC 1

[13] Dharamraj Bhanubhaskar Dave vs. State of Gujarat, 2017 SCC Online Gujarat 2493

qualify as reporting. As a result, the petitioner in this case received no redress, and the court dismissed the petition. However, the case deserves to be ignored in the spotlight.

In "Jorawar Singh Mundy v. Union of India"[14] case, the court considered next significant ruling on the subject. Jorawar Singh, who was of Indian heritage, became an American citizen at birth. He was charged in a narcotics case in 2009; however, he was found not guilty by the Delhi High Court or the trial court. When he returned to the United States to finish his legal education, he was unable to find work because, each time he applied for a job, the potential employer would look him up on Google and bring up the decision. He asked the judge to compel Google, Indiankanoon.com, and Vlex to remove the ruling. Delhi High Court gave him relief, noting that even though he was not found guilty, it might have seriously damaged his chances for a successful job and a fulfilling social life. While the case was pending, Vlex erased the verdict. Indiankanoon.com was directed by a court to remove it from Google search results and to stop users of search engines like Google and Yahoo from accessing the judgment.

Thus, unlike the Gujarat High Court, Delhi High Court acknowledged the right to be forgotten.

Another significant case addressing the "right to be forgotten" was Shri Vasunathan v. Registarar General, State of Karnataka[15]. This case was particularly significant when it came to delicate matters involving women. The case pertains to sensitive circumstances that typically involve women and particularly sensitive cases that involve sexual assault or that affect a person's reputation or modesty. The daughter's name was removed from the complaint when the Karnataka High Court acknowledged the right to be forgotten.

Supreme Court's verdict in K.S. Puttaswamy case[16] the High Courts embraced the larger approach. The right to be forgotten is an essential part of the right to privacy, according to the Supreme Court.

In, 'Zulfiqar Ahman Khan vs. M/s Quintillion Business Media Pvt. Ltd'[17], the petitioner filed a lawsuit in the Delhi High Court, claiming that he was the victim of anonymous harassment and that two stories about him that appeared on the news website The Quint should be removed. While the matter remained before the High Court, the news company deleted stories. The Delhi High Court ruled that two fundamental elements of Article 21 of the Indian Constitution are the rights to privacy—the right to seclusion and the right to be forgotten. Additionally, the court prohibited the reprinting of these two works' content while the case was pending.

The Odisha High Court granted victims of sexually explicit photographs or films that are often disseminated on social media by jilted lovers in an attempt to harass and terrify women the right to forget. "Information in the public domain is like toothpaste; once it is out of the tube, you can't get it back in, and once it's in the public domain, it'll never go away,"[18] the High Court lamented the absence of a way to take anything down from the internet forever.

The accused was accused of rape and of posting the video of the occurrence on Facebook in an attempt to torment the victim. The accused subsequently petitioned the Odisha High Court for bail, but the court denied it, underscoring the need for the "right to be forgotten" to be recognized by law. It was appropriate for the High Court to refuse to grant bail given the seriousness of the offense. It did note, though, that part of the "right to privacy" is the "right to be forgotten". In situations when the victim's right to privacy has been flagrantly violated, the prosecution or the victim may petition the court for the required orders and to have the infringement removed from public platforms, regardless of the status of any current criminal proceedings. The court stated the NT1 and Google, Spain cases as examples of views taken in other parts of the world and acknowledged the need for the "right to be forgotten" in India to be recognized as a legally recognized right.

X vs. YouTube, is again an important judgment on the matter. In this case a well-known Bengali actor was approached by Ram Gopal Verma to participate in the filming of a web series and was promised lead role. She took part in the web series and the trailer was shot, which included explicit scenes of the actor. Later the project was shelved i.e. was shut down without being completed. In the year 2020 the plaintiff discovered that the producer Ram Gopal Verma has uploaded the suit videos to his YouTube channel. She reached him and requested him to remove the explicit videos. The producer complied with the request of the actor. Despite this other people uploaded suit videos on different websites, some of which involved websites with pornographic content. Not only this, the videos were edited add obscene and pornographic comment. Plaintiff as a result faced constant harassment by anonymous callers. The defendant took the defence, relying on the Supreme Court Judgment in Karthick Theodre vs. Registrar General, in which it was held that there was no such right as "right to be forgotten". Additionally, the defendant cited the Dave v. State of Gujarat case. But the court in its judgment, apart from K.S. Puttaswamy[19] judgment relied on cases such as Khan vs. The Quintillion Business Media[20], Mr. X vs. Hospital Z, Shri Vasunathan[21].

In this case the court also acknowledged that Gujarat High Court in case of Dave adopted a "contrary and narrow approach" thus rejecting the defence of the defendant. The court observed that, "no person would want to create and display grey

[14] Jorawar Singh Mundy vs. Union of India, 2021 SCC Online Del 2306
[15] Shri Vasunathan vs. Registrar General, State of Karnataka 2017 SCC Online Karnataka 424
[16] Justice K.S. Puttaswamy (Retd) v. Union Of India, 2017 10 SCC 1
[17] Zulfiqar Ahman Khan vs. M/s Quintillion Business Media Pvt. Ltd, 2019 (175) DRJ 660
[18] Subranshu Rout @ Gugul vs. State of Odisha (2020), BLAPL No. 4592/2020
[19] Justice K.S. Puttaswamy (Retd) v. Union Of India, 2017 10 SCC 1
[20] Zulfiqar Ahman Khan vs. M/s Quintillion Business Media Pvt. Ltd, 2019 (175) DRJ 660
[21] Shri Vasunathan vs. Registrar General, State of Karnataka 2017 SCC Online Karnataka 424

shades of her character; consent of woman cannot justify the misuse of such content once the relation between the victim and accused gets strained as it has happened in the present case. If right to be forgotten is not recognized in matters like the present one, any accused will surreptitiously outrage the modesty of the woman and misuse the same in the cyber space unhindered."

Because there is no legal right to be forgotten, the court nevertheless granted protection. Given that it was carried out against the plaintiff's will and without her consent, the irreversible harm to her personal and professional lives was taken into consideration. The plaintiff was granted both her "right to privacy" and her "right to be forgotten" and left in peace by the court.

The Karnataka High Court's Virginia Shylu v. Union of India case is the most current one involving the right to be forgotten. The court in this case balanced the "right to be forgotten" against legitimate considerations that would be made while deciding whether or not to delete data. Court said that, "it is for legislature to fix ground for invocation of such rights. However, court on the basis of facts and circumstances of each case and duration or other litigation may permit party to invoke above rights to de-index and remove personal information of party from search engine." The court noted that it can use the "right to erasure" principles to give a party the capacity to eliminate and any publicly accessible personal data.

Following the Puttaswamy case verdict in 2017, the Indian government established an expert group to examine a range of data protection-related issues. The Committee drafted a data protection statute and offered recommendations. The Digital Privacy Data Protection Act, 2023, the first written law pertaining to data privacy, has finally been passed by the Indian Parliament.

The Act's Sections 12 and 13 guarantee the right to personal data erasure and correction, as well as the right to grievance redress.

The act's Section 12 stipulates the following:

12. "Right to correction and erasure of personal data."

1. Clause 7(a) states that a data principal may, by any means and subject to any applicable laws, request that her personal information, to which she has already given her consent, erased, corrected, and completed.
2. When a data principal submits a request for updating, completion, or correction, a data fiduciary is required to: (a) update any personal data that is outdated or inaccurate; (b) complete any incomplete personal data; and (c) rectify any misleading or inaccurate personal data.
3. To request that her personal information be deleted by the Data Fiduciary, a Data Principal must adhere to the guidelines given. After receiving this request, the Data Fiduciary will erase the Data Principal's personal information unless keeping it is required by law or for the purposes for which it was originally obtained.

Need and importance of "right to be forgotten"

Following are the key reasons for need and importance of right to be forgotten:

- **Protection of the "right to privacy":** The right to personal autonomy and privacy includes the right to be forgotten. Nobody can fully exercise and enjoy their rights to life, privacy, and liberty if they do not exercise their right to be forgotten. Our right to privacy is protected by allowing us to control what information is publicly visible online, especially when it comes to inaccurate or out-of-date information.
- **Data control:** "Right to be forgotten" empowers us to have more control over our online data. It protects us from misuse of our online data and unnecessary exploitation of our online presence.
- **Ensures legal compliance:** The "right to be forgotten" makes sure that organizations and online applications are complying with the data protection laws and respecting individual's privacy. This becomes easier to implement where data protection laws are in force.
- **Preventing reputation harm: The** "right to be forgotten" enables us to manage reputation and control how people think of us. It gives us right to remove harmful information and ensures our personal and professional well-being.
- **Balancing the right to free speech and public interest**: The right to be forgotten seeks to protect the public interest by striking a balance between the freedom of expression, privacy, and access to information.
- **Stopping cyberbullying:** By eliminating material that can incite harassment and cyberbullying, the right to be forgotten protects individuals from needless mental and emotional anguish.
- **Responsible data handling:** The right to be forgotten makes sure organizations takes data with user's consent and handle it responsible, thus encouraging responsible and better data protection and management and encourage good practices among them.

The "right to be forgotten" has to be utilized in a way that strikes a balance between people's freedom of speech and rights as well as the interests of the public at large and information access. This is not an easy undertaking.

Application of "Right to be Forgotten"

"Right to forgotten" can be accessed in certain circumstances. Following are situations where this right could be applied:

- Any person might request removal of outdated personal information from a search engine or website.
- In case of inaccurate personal information also a request of erasure could be sought as a right.

- If an individual had previously given consent to use their data by any company or online site, and had later withdrawn the consent, such individual may request the removal of data after the expiry of the consent.
- If in any case the data was collected from any minor or person of unsound mind, without the consent of parent or guardian, then such person or the guardian or parent can ask the removal of such data.
- Not only removal but individuals may also seek correction of inaccurate data, available online as a right.
- In cases of persons with past criminal records, they may request search engines to remove content relating to their conviction if they have completed their sentences or such conviction is no longer relevant. This will help them to restart a normal life and integrate more easily with the society.
- If any sensitive medical information is inappropriately disclosed online or any person's health record is disclosed, then such person may get it removed and erased.
- If any individual's private and intimate photos, content, etc. is shared online without consent of that person, person can seek to get it removed from available websites and search engine results.
- Any person may seek to get removed his financial information which is exposed due to data breach, such as account details or debit card number, etc.
- Any person who is a victim of online harassment, stalking or cyber bullying, may request removal of any such content that is causing mental agony, distress or harming his/her reputation.
- In cases of family members of deceased persons, they may request removal of the deceased's personal information, images or any data which falls in above mentioned categories.

The application of the "right to be forgotten" varies based based on each case's unique facts and circumstances, the jurisdiction, and the interests of the public at large. It is not always implemented uniformly. The right is subjective because not every request can be granted due to several legal and ethical considerations.

Challenges and concerns

Even though "right to be forgotten" is a fundamental one, enforcing these rights is difficult. Every law, every right, and even the "right to be forgotten" have their own set of issues and difficulties. We will now talk about the main issues and worries that arise when the "right to be forgotten" is put into practice.

The fundamental problem with the right to be forgotten is that it infringes upon the freedom of speech, another fundamental right. It takes open access to information to exercise our freedom to free speech. Erasing or removing information from the internet will restrict access to important content and impede the exercise of free expression.

The other major issue that will arise will be conflict of jurisdiction. Laws governing "right to be forgotten" will vary from country to country but internet is globally available. This will lead to jurisdictional issues and it will be difficult to decide in case of such conflict, which country's law will apply while enforcing removal of online data.

There is a potential for fraudulent or malicious requests to remove information. This can be for illegal purposes like identity theft, defaming or other criminal intent. It will not be easy to track such requests.

The removal and erasure of information will destroy historical records and accuracy of information, which is used for research and historical documentation. This will compromise with accuracy if data and proper documentation.

Technicality is another major hindrance in proper implementation of removal requests. The data available online is humongous and it may not be an easy task to track and remove the requested data across various websites, applications and platforms.

One major challenge is the varying interpretation of what constitutes 'irrelevant' and 'inaccurate', which can lead to confusion and potential bias. This will lead to inconsistency in implementation of right to be forgotten, not only from country to country but also from case to case.

The other major concern is the abuse or misuse of the right. Every legal right is potentially misused by some individuals for their vested interest. The same will happen with "right to be forgotten". It can be used to censor information and manipulate public perception. It can be exploited to hide negative information, thus affecting free and fair decisions.

The right to be forgotten leads to responsibility evasion by putting the burden on online platforms to remove them, instead of holding the original content creators liable for what they created and published.

The apprehension of removal of content may not go well with journalists, researchers or individuals relying on internet. It might create a chilling effect and they may become cautious and self-censor.

The main object of this is to balance personal privacy and societal interests, which is not an easy task and has its own sets of challenges. These all questions relating to concerns needs to be answered first before right to be forgotten could be properly implemented and exercised. As time passes, we might see other challenges coming up and with new technology coming out every day it might still bring new challenges with it. The best strategy to reconcile the right to privacy with other fundamental rights will always be up for debate.

Thus, we should be ready for them and make laws which are apt for the dynamic changes in the long run.

Is "right to be forgotten" an absolute right?

Every right cannot be having a corresponding duty, to protect right of other person. Therefore, no right is absolute and is subject to certain restrictions and limitations. Furthermore, the courts have made it clear in a number of judgments that the right is not unqualified.

In NT1 AND NT2[22] case the European Court clarified that right is not absolute, the GDPR also provides certain exemptions as discussed earlier. The Indian Apex Court in case of Puttaswamy[23] also held the same and said that the right may be restricted and subject to the same limitations as specified in Article 19 of the Indian Constitution.
Therefore, we can conclude that, similar to other rights, the "right to be forgotten" is not unqualified and can only be used in conjunction with specific exclusions and restrictions.

Conclusion

The intricate "right to be forgotten" encompasses a number of digital era problems, including freedom of speech and expression, data privacy, cyber safety as well as information rights. The birth of this might have been very recent but along with right to privacy it has inherently existed always, though not recognized until the boom of digital era which has made the exercise of right to be forgotten much more important. Europe became first to legally recognize and grant it but its importance resonates globally.
Our attempts to reconcile the public's right to privacy with individuals' rights to knowledge and access are being hampered by the complexity of this. We have the power to control our personal data thanks to it, even in circumstances where it can linger as digital traces for a very long time.
It not only makes legislature, judiciary and data stakeholders all the more responsible for our rights but also asks us to be more vigilant in managing our online identities, inform and thus mitigate potential harm.
However, implementing such a right is challenging and full of over lapses. It requires delicate consideration of competing interests and rights along with preservation of historical records. Striking correct balance between all these is important to avoid conflicts with different rights and to prevent undermining the public general right to know and access information. Legislatures around world are still continuing to define scope and limitation of right to be forgotten. Through various cases and judgments, courts along with legislative efforts are shaping and offering guidance for solving these complexities. Co-operation and efforts of all stakeholders such as courts, legislatures, technology related companies, search engines, corporates, etc. along with civil society are important to ensure that law is able to protect individual privacy and fundamental rights effectively.
Right to be forgotten is still evolving with every case and time. We need a thoughtful and comprehensive approach for right to be forgotten, which balances rights of individuals with society's interests and other realities of a technological.

References

1. Justice K.S. Puttaswamy (Retd) v. Union Of India, 2017 10 SCC 1
2. C-131/12 Google Spain; ECLI:EU:C:2014:317 On 14th May,2014
3. C-507/17, Google LLC, successor in law to Google Inc. vs. Commission nationale de l'informatique et des liberties (CNIL), on 24th September, 2019
4. General Data Protection Regulation- 2016/679
5. NT1 and NT2 vs. Google LLC [2918] EWHC 799 (QB)
6. C-507/17, Google LLC, successor in law to Google Inc. vs. Commission nationale de l'informatique et des liberties (CNIL), on 24th September, 2019
7. https://www.reuters.com/world/europe/wikipedia-fights-russian-order-removeukraine-war-information-2022-06-13/
8. Gobind v. State of Madhya Pradesh 1975 2 SCC 14
9. Kharak Singh v. State of Uttar Pradesh (1962) AIR 1963 SC 1295
10. M.P. Sharma vs. Satish Chandra, District Magistrate, Delhi (1954) AIR 1954 SC 300
11. Dharamraj Bhanubhaskar Dave vs. State of Gujarat, 2017 SCC Online Gujarat 2493
12. Jorawar Singh Mundy vs. Union of India, 2021 SCC Online Del 2306
13. Shri Vasunathan vs. Registrar General, State of Karnataka 2017 SCC Online Karnataka 424
14. Zulfiqar Ahman Khan vs. M/s Quintillion Business Media Pvt. Ltd, 2019 (175) DRJ 660
15. Subranshu Rout @ Gugul vs. State of Odisha (2020), BLAPL No. 4592/2020
16. Digital Privacy Data Protection Act, 2023

[22] NT1 and NT2 vs. Google LLC [2918] EWHC 799 (QB)
[23] Justice K.S. Puttaswamy (Retd) v. Union Of India, 2017 10 SCC 1