

MEG LETA JONES, CTRL + Z: THE RIGHT TO BE FORGOTTEN (New York University Press, 2016)

New York, New York, 2016  
New York University Press  
ISBN: 978-1479881703  
Price: \$17.11  
Page Length: 267 Pages

Keywords: Internet, Social Media, Privacy, Legal, Civil Rights and Liberties

Reviewed by John Haskell  
Journal of High Technology Law  
Suffolk University Law School

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### **Custodians of the Internet: Looking at Digital Privacy Through a New Lens**

*“In a connected world, a life can be ruined in a matter of minutes, and a person, frozen in time. Keeping that embarrassing secret offline is not as easy as it once was.”<sup>1</sup>*

Meg Leta Jones’ *Ctrl + Z: The Right to Be Forgotten* considers what the author refers to as “digital redemption,” that is, the ability to transform digital information, available to the masses into private, less-accessible information upon an individual’s request. More simply referred to as the “right to be forgotten” by the author, this book undergoes the difficult task of advocating for the possibilities of what could result from an inherent digital right to be forgotten, and how such a right could be implemented. In driving her points home, the author suggests various requirements that would need to be met, should this right become available to all, including potential changes in both transnational privacy policies and data management schemes around the world.

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<sup>1</sup> See MEG LETA JONES, CTRL + Z: THE RIGHT TO BE FORGOTTEN 3 (New York University Press 2016).

Doctor Meg Leta Jones is an Assistant Professor in the Communication, Culture, and Technology Program at Georgetown University.<sup>2</sup> She also holds an affiliate faculty member status at the Georgetown University Law Center on Privacy and Technology. Having entered the field nearly 11 years ago, Doctor Jones's areas of expertise cover a multitude of fields including but not limited to the legal history of technology, technology law and policy, and the ethical implications of engineering and information.<sup>3</sup> An expert in the field, Doctor Jones received her J.D. from the University of Illinois College of Law in 2008 and her PhD in Engineering and Applied Science in 2013. When Doctor Jones is not teaching, she gives lectures at conferences around the country. Doctor Jones has also been published numerous times throughout the country by both Law Reviews and Journals, and is currently working on a new book entitled *The Human in the Loop: Maintaining Humanity in Digital Automation from Big Data to Robotics*.

*Ctrl + Z: The Right to be Forgotten* discusses the right to be forgotten as a new and inventive idea, but one that would require a complete overhaul globally before it could ever be truly implemented. The book provides the reader with an extensive look at the current legal landscape as to the rights and regulations pertaining to an individual's right to be forgotten digitally for information that is "outdated, harmful, irrelevant or inaccurate" in both the U.S. and a number of European nations.<sup>4</sup> The first part of the book highlights the moral and legal origins on the privatization of one's personal information in both Europe and the United States. Additionally, part one overviews an individual's legal and other relief for the dissemination of personal information both in the U.S. and the European Union. Chapter 1 closes with the author's assertion that the right to be forgotten is more easily and widely available to an

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<sup>2</sup> See Jones, *supra* note 1 at 269.

<sup>3</sup> See Georgetown University, General Profile: Assistant Professor, Meg Leta Jones *archived at* <https://perma.cc/FM9B-QLAX>

<sup>4</sup> See Jones, *supra* note 1, at 63.

individual in most European nations.<sup>5</sup> Conversely, in Chapter 2, the author postulates that the present legal solutions to one's own digital redemption in the United States, as compared to that of European nations are few and far between.<sup>6</sup>

The second part attempts to redefine and reframe what interests and information should be permitted to be as rights to be forgotten and what the author believes is the best method to creating this right to be forgotten. In Chapter 3, the author helpfully distinguishes between the "right to oblivion" and the "right to deletion."<sup>7</sup> In distinguishing the two, the author opines that the right to oblivion, in its most traditional sense, results when an individual "no longer wishes to be associated with actions as well as rare other circumstances."<sup>8</sup> Conversely, the right to deletion results where an individual's personal or other information is unintentionally disclosed by his or herself and is saved and stored by a third party.<sup>9</sup> Ultimately after making this distinction, the author concludes that the two distinct redemption processes would require different procedural requirements for removal of the information, with a right to deletion being the [potentially] less arduous process for the individual who requests to be "forgotten."<sup>10</sup> In Chapter 4, the author advocates for what she refers to as "digital information stewardship,"<sup>11</sup> which are the methods and mannerisms by which certain types of personal information can be made less accessible overtime. The author goes on to note that such stewardship may provide the most proper scheme to achieve both the preservation of relevant information for later use whilst maintaining an individual's reasonable privacy online.

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<sup>5</sup> See Jones, *supra* note 1, at 22.

<sup>6</sup> See Jones, *supra* note 1, at 80.

<sup>7</sup> See Jones, *supra* note 1 at 96.

<sup>8</sup> See Jones, *supra* note 1 at 96.

<sup>9</sup> See Jones, *supra* note 1 at 96.

<sup>10</sup> See Jones, *supra* note 1 at 100.

<sup>11</sup> See Jones, *supra* note 1, at 103.

The final portion of the book discusses how the right to be forgotten could be implemented under the U.S. legal system. The author goes on to further advocate for the necessity of cooperation between existing legal, technological, and social institutions should the right to be forgotten be a viable option for the masses. In Chapter 5, the author provides several possible changes that could establish a legal right to be forgotten in the United States. These include the creation of new categories of unprotected speech, the blocking of certain personal information on social media platforms from prying eyes such as employers, and offering individuals the opportunity to correct old information available online about themselves that may harm them presently or in years to come.<sup>12</sup> Finally, in Chapter 6, the author concludes that the collaboration of regulatory institutions and agencies is an absolute necessity in the international community. In developing this interoperable community, the author urges other countries to discuss and determine their own citizens' rights to be forgotten in this digital age, lest they wish to be left behind in the dust to frontrunners in the field, like the European Union.<sup>13</sup>

As noted above, the author's thesis is that the "right" way to go about a digital "right to be forgotten" centers around digital stewardship, rather than mere right to deletion. However, while the idea of such a right may sound appealing, the author appears to imply that such a right could be a pipe dream, especially in the United States.<sup>14</sup> Furthermore, as again implied by the author, implementing such a right on a global scale would be problematic due to the conflicting legal systems throughout the world.<sup>15</sup> For example, in chapter 6, entitled "Ctrl + Z in the International Community," the author provides a theoretical example of where someone responsible for the "digital stewardship" could simply ignore a "right-to-be-forgotten" claim

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<sup>12</sup> See Jones, *supra* note 1, at 146-52.

<sup>13</sup> See Jones, *supra* note 1, at 183.

<sup>14</sup> See Jones, *supra* note 1, at 57.

<sup>15</sup> See Jones, *supra* note 1, at 167.

because it conflicts with his or her nation's legal rights or because of an inability to enforce such a request from country to country.<sup>16</sup> Thus, while a great idea, in theory, the author's argument falls flat at times, especially when argued as to how such a system would be put into practice and enforced on a global scale.

For an area that is constantly evolving in this digital age, the author does an excellent job providing generally simplified explanations of various complicated legal, moral, and technological principles that leave the reader informed and entertained from cover to cover. However, the title is a misnomer. Although the title, *Ctrl + Z*, refers to the "undo" shortcut in a word processing program, one would imagine when picking up this book a book with such a title would focus more on deleting one's digital existence online. Rather, as mentioned above, the author tailors her thesis to focus more on the idea of "digital stewardship."<sup>17</sup> In doing so, although the author does provide examples of instances under which content can and has truly be deleted, the book focuses more on what forms of digital information should [and should not] be preserved long term and how it could be done so to be less intrusive to an individual's privacy.

This book is well-researched and provides an excellent summary on the current state of the legal and non-legal recourses for individuals who wish to control what public information exists on them in cyberspace both in the U.S. and Europe. Additionally, one of the strongest portions of this book, Chapter 5, involves the potential for how such a "right to be forgotten" could be implemented in the existing U.S. legal system. Ultimately, however, at the end of the book, the reader is left wanting to know more on how such a system would work in global, legal setting. I would recommend this book to both scholars, lawyers and legislators interested in the

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<sup>16</sup> See Jones, *supra* note 1, at 167.

<sup>17</sup> See Jones, *supra* note 1, at 103.

field. The research and examples provided paint a thorough landscape of the ever-evolving area of digital privacy rights while examining them through the different lens of that of stewardship, and not simply deletion.