Balancing Privacy and the Right to Know in Open Societies

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Modern democracies all claim to be politically transparent. But in reality, even among democratic nations, the transparency of our legal system is all over the world map. Privacy law, including the right to publish court records or displays of affection in public places, criminal and civil codes surrounding digital protection, and injunctions against expression could not be more different on each side of the Atlantic. One notable example is the rise of European claims arising from the Right to Be Forgotten, which provides claimants with the cause of action to compel information to be removed from the Internet. The concept is antithetical to the United States law, which holds that a claimant’s reputation is measured across his or her lifetime, and that people always have the right to publish whatever they find in public records.