

THE RIGHT TO BE FORGOTTEN IN THE DIGITAL AGE: PROSPECTS FOR ITS IMPLEMENTATION IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

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Introduction. The accelerating digitalization of public life in the Republic of Uzbekistan, driven in particular by the “Digital Uzbekistan–2030” strategy adopted in 2020, has multiplied the volume of personal information circulating in online registries, media archives and search engines¹. As citizens increasingly interact with the state and with private companies through digital channels, outdated, inaccurate or no-longer-relevant personal data continue to be indexed and displayed long after the original purpose of their processing has lapsed. This raises the question long debated in European legal doctrine under the label of the “right to be forgotten” (RTBF) – the possibility for an individual to obtain the removal or de-indexing of personal data that are no longer necessary, no longer accurate, or that have become excessive in relation to the purposes for which they were collected. The purpose of this thesis is to examine the conceptual foundations of the right to be forgotten as developed in international practice and to assess the prospects of its implementation into the legislation of Uzbekistan.

The right to be forgotten: conceptual origins and international models. The modern doctrine of the right to be forgotten took shape in the judgment of the Court of Justice of the European Union in *Google Spain SL and Google Inc. v AEPD and Mario Costeja González* (2014), where the Court held that an internet search engine operator qualifies as a “controller” of personal data and may, under certain conditions, be required to remove from the list of results links to web pages containing information about a person, even where the underlying publication itself remains lawful². This principle was subsequently codified in Article 17 of the General Data Protection Regulation, entitled “Right to erasure (‘right to be forgotten’),” which lists specific grounds for erasure – such as the data no longer being necessary, withdrawal of consent, or unlawful processing – alongside exceptions protecting freedom of expression, legal obligations, public-interest archiving and the exercise of legal claims³. Scholars have traced the doctrinal roots of this right to the French tradition of protecting personal dignity and reputation⁴, while others have criticised the European approach for insufficiently weighing the right to be forgotten against the public interest in the free circulation of information and the

¹President of the Republic of Uzbekistan. (2020). Decree No. UP-6079, “On approval of the ‘Digital Uzbekistan-2030’ Strategy and measures for its effective implementation,” 5 October 2020.

²Court of Justice of the European Union. (2014). *Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González*, Case C-131/12, Judgment of 13 May 2014.

³Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), Art. 17.

⁴Mantelero, A. (2013). The EU Proposal for a General Data Protection Regulation and the roots of the ‘right to be forgotten’. *Computer Law & Security Review*, 29(3), 229–235.

functioning of the public sphere⁵. A later ruling of the Court, *Google LLC v CNIL* (2019), confirmed that de-referencing obligations under EU law extend only to the versions of the search engine accessible from within the European Union, illustrating the ongoing tension between the territorial scope of data-protection guarantees and the global architecture of the internet⁶.

Legal framework for personal data protection in Uzbekistan. Uzbekistan's current legal framework does not yet contain a right to be forgotten as such, but it does contain elements that approximate it. The new edition of the Constitution of the Republic of Uzbekistan, adopted by nationwide referendum on 30 April 2023, provides in part three of Article 31 that everyone has the right to protection of their personal data, as well as the right to demand the correction of inaccurate data and the destruction of data collected about them unlawfully or that no longer have legal grounds for retention⁷. This constitutional guarantee is narrower than the European right to be forgotten it does not extend to data that were lawfully collected but have simply become outdated or excessive yet it nevertheless supplies a normative anchor on which a fuller right could be built. At the statutory level, the relations arising from the collection, processing, storage and protection of personal data are regulated by the Law of the Republic of Uzbekistan "On Personal Data," adopted on 2 July 2019 and repeatedly amended since, most recently in 2021, 2023 and 2026⁸. The Law establishes the State Center for Personalization under the Cabinet of Ministers and a specialised state inspection body as the authorised bodies responsible for supervising compliance, and it grants data subjects a set of rights including access to their data and the right to demand rectification or destruction of unlawfully processed data. What is still missing, however, is a codified, self-standing procedure for requesting de-indexing or erasure of lawfully published but no-longer-relevant personal information from online sources such as search engines, news archives and social platforms.

Prospects and challenges for implementation in Uzbekistan. The introduction of a fully-fledged right to be forgotten into Uzbek legislation faces both institutional opportunities and normative challenges. On the one hand, the digital-transformation agenda launched by Presidential Decree No. UP-6079 has already created the administrative infrastructure – electronic government platforms, a unified system of personal identification, and specialised oversight bodies – that could host a de-indexing or erasure procedure without requiring an

⁵Post, R. C. (2018). Data privacy and dignitary privacy: Google Spain, the right to be forgotten, and the construction of the public sphere. *Duke Law Journal*, 67(5), 981–1072.

⁶Court of Justice of the European Union. (2019). *Google LLC v Commission nationale de l'informatique et des libertés (CNIL)*, Case C-507/17, Judgment of 24 September 2019.

⁷Constitution of the Republic of Uzbekistan (new edition, adopted by referendum on 30 April 2023), Art. 31, part 3.

⁸Law of the Republic of Uzbekistan "On Personal Data", No. 3PY-547 of 2 July 2019 (as amended by Laws No. 3PY-666 of 14.01.2021, No. 3PY-880 of 28.11.2023, and No. 3PY-1125 of 26.03.2026).

entirely new institutional apparatus⁹. On the other hand, any such mechanism will have to be reconciled with the constitutional guarantees of freedom to seek, receive and disseminate information and with the independence of the mass media, so as to avoid the right becoming a tool for suppressing legitimate matters of public record. Further challenges include the absence of a clear administrative or judicial procedure through which a data subject could file a de-indexing request, uncertainty as to whether foreign-based search engines and platforms fall within the jurisdiction of national supervisory bodies, and the need to train judges and administrative staff in balancing privacy against freedom of expression on a case-by-case basis, following the proportionality methodology developed in European practice. Addressing these gaps would require amending the Law “On Personal Data” to introduce a dedicated erasure/de-indexing procedure, defining clear substantive criteria and exceptions, and assigning a specific supervisory body with the competence to review refusals.

Conclusion. The 2023 constitutional reform has given Uzbekistan a normative foundation compatible with the right to be forgotten, but the statutory and procedural mechanisms needed to make this right operational are still lacking. Given the pace of the country’s digital transformation, the further development of the Law “On Personal Data,” informed by the European experience – while remaining attentive to the specific constitutional balance between privacy and freedom of information in Uzbekistan – represents a timely and necessary direction for legislative reform.

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⁹President of the Republic of Uzbekistan. (2020). Decree No. UP-6079, “On approval of the ‘Digital Uzbekistan-2030’ Strategy and measures for its effective implementation,” 5 October 2020. (see note 1 above).

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8. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), Art. 17. <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

