

REMOVING FAKE CONTENT FROM THE INTERNET

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In today's hyper-connected environment, potentially damaging information can surface on a multitude of platforms, from traditional media, independent websites, online reviews, blogs and social media platforms through to the suggestions and links contained in search results.

If you have reason to believe this may happen, the priority is to minimise the risk that the negative material is published in the first place, by contacting the publisher before publication and if necessary obtaining an injunction from the relevant court.

In England, injunctions are usually effective to prevent publication of specified material and the fact that an injunction has been obtained often goes unreported.

Despite the principles of open justice, the identity of the parties can be anonymised and the publication of subject matter restricted, so that it is not possible to identify the individuals involved or the subject matter of the injunction from the court papers or any publicly available judgment.

As for material that has already been published, the first step is usually to complain directly to the primary publisher, the website host, Facebook, YouTube, Twitter, or any other social media platform and search engines, demanding the immediate take down of the damaging information. In addition to the relevant law, you can often claim that the information should be deleted on the basis that its publication is in breach of the terms and conditions of sites like Facebook and Twitter.

If that doesn't work, the next step could include: making a complaint to the Information Commissioner's Office or bringing proceedings for defamation, misuse of private information or breach of copyright, or under data protection laws (in the UK this would mean making a complaint under the Data Protection Act 2018 and the GDPR, including the so-called "right to be forgotten", now also referred to as "right of erasure").

Combining these options can increase the likelihood of removing, delisting or rectifying inaccurate information or personal data. It can therefore increase your chances of preventing or reducing potential damage to your or your organisation's reputation.

These techniques can be very successful. There have been numerous instances of action securing the removal or amendment of multiple articles, posts and other online material including photographs:

- One high net-worth individual succeeded in securing the removal of about 400 URLs from Google, following a campaign of take-down requests. This strategy also resulted in the removal of hundreds of posts from social media websites such as Twitter, Facebook and Instagram.
- A prominent academic got personal photographs shared over the internet taken down from newspaper websites, other sites, blogs and Twitter, and secured the delisting of hundreds of images from various search engines.
- A well-known personality took action and prevented the publication of a story in four major newspaper groups, going on to secure the removal of private material from websites, blogs, Twitter, YouTube and elsewhere, reducing exposure on search engines and permanently removing content from host websites.
- Content from a number of internationally-recognised publications in various countries has been 'geo-blocked' from being accessible in England.
- Numerous individuals have succeeded in achieving substantial amendment to many third party 'Know Your Client' and due diligence reports, often securing the complete removal of negative material and prejudicial classifications. ●

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