

## Social Memory in Internet Age

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### *Abstract*

*Someone might ask a question that why do we need to forget something? It can also be argued that memory to store information then whyto forget something willfully? Remembering is a positive whereas forgetting is a negative task etc. Though these questions seem valid, we have to take the fact in mind that remembrance is not necessarily beneficial all the times. Similarly, forgetting is not necessarily a negative task all the times. Forgetfulness has its own value. In this paper researcher attempts to explain importance of forgetfulness and social memory in the internet age. Researcher has also tried to through some lighton how the forgetfulness could benefit our society and Remembrancecould prove harmful to the society in certain situations.This piece of research is to explore the value of forgetfulness against the concept of Remembrance. Why forgetting is necessary in several situations and how Remembrance can prove to be harmful is discussed here in detail.*

**Keywords:** *Social Memory and Data Retention, Internet, Role of Judiciary*

### **I. Introduction**

The basic idea of memory is not to store each and everything but to store only those elements information which would contribute in the development of the society and forget those which create impediments in the development of the society. Today, we are undergoing the great technological advancement in all the fields. So, the information and memory technologies, data sharing and management is also getting advanced. The advanced information technologies not only collect a huge and uncountable amount of transactional data, but it is retained for the indefinite period of time. If we follow the footsteps of Supreme Court of India in Privacy Judgment<sup>1</sup> and understand the value of privacy we have to agree that our privacy policies must deal with not only the issue of collection and access to transactional information but also disposal of that information in

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<sup>1</sup>K.S. Puttaswamy v. Union of India (2017) 10 SCC 1 (India).

time. In other words, privacy policy should consider the timely disposal of harmful information. The information stored for the indefinite time may cause harms to the subject of that information and also to the society as whole. Indefinite data retention leaves no scope for social forgetfulness. This disappearance of the social forgetfulness is actually a loss suffered by the society. It is like holding on to a disease and not allowing a body to recover and move on. The social forgetfulness gives an opportunity to an individual to get rid of his past and start a new fresh life. To justify the value of social forgetfulness, examples of Juvenile Justice and Bankruptcy Law are discussed in the paper later. Many times the information is collected for a specific purpose and such information should be disposed after the purpose for which it was collected is served. But does this happen? The answer is negative. Internet has made it very difficult to forget something. Information made online remains on the internet for the indefinite time. It is said that the internet never forgets anything. We can see that time has no effect on the remembering capability of the internet. Of course, because of this tremendous capacity of the internet to remember everything over an infinite period of time, we are capable to access the ocean of knowledge and information of all the fields. But this fact has a dark side too. The internet has suppressed the forgetfulness in our society. The society is remembering everything because of the internet. Some information may cause harms to the subject of the information or to the society at large but still it is remembered on the internet insensitively. This is where the concept of Right To Be Forgotten comes into picture.

### ***Remembrance***

Remembrance means memorizing something or someone from the past. Remembrance includes memorizing something which belongs to the past, such as captivities or events that happened in the past. It simply means keeping the information or an idea in mind. However, as mentioned above, remembering everything is not always beneficial to the society. The concept of Remembrance should be understood as remembering only that part of information which is essential for the betterment of or at least not harmful to the society.

## II. Data Retention

The retention of information is an important issue the while studying the concept of right to be forgotten. The concept of right to be forgotten is directly connected to data retention. The right to be forgotten can be claimed against the stored information only. The issue of data retention is directly connected to the wide concerns of the inadequate privacy protection in the modern democratic society. Secondly, this issue is in the context of tension between the importance of remembrance and forgetfulness. The study of data retention is also important since it may prove to be an impediment in some cases. The examples are Bankruptcy and Juvenile Justice. Bankruptcy Law and Juvenile Justice both are based on the concept of 'fresh start'. These two examples talks about giving a new opportunity to an individual to start a new life. Individuals move on to their lives by leaving the past behind and begin a new life. If the data is retained for indefinite period of time then purpose of these two branches of law will not be fulfilled. An enormous retention of data through new information and communication technologies threatens the privacy of an individual.<sup>2</sup> A new step in technological development gives rise to new form of information collection.<sup>3</sup> The collection of transactional data has gained great attention in 1990s. Transactional data includes the data collected from web browsing, use of credit card and other commercial transactions. If we look into 1970s and 1980s, we come to know that at that time more concern was on the collection of personal information and transactional data was not focused.<sup>4</sup> Now the European Union has attracted attention of the world since it has taken the issue of harmonization of EU privacy policy and data flows to non-EU countries.<sup>5</sup> We can see that the development in the field of information and communication technologies is leading us rapidly to the panoptic society.<sup>6</sup> The huge amount of data which is being collected in today's world from various supplier-consumer transactions, internet traffic, Medical, Financial, and Educational records clearly

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<sup>2</sup>Jean-Francois Blanchette and Deborah G. Johnson, *Data Retention and The Panoptic Society: The Social Benefits of Forgetfulness*, 2002, (<http://www.ictlex.net/wp-content/retention.pdf>).

<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

<sup>5</sup>[Paul M. Schwartz](#), [Joel R. Reidenberg](#), DATA PRIVACY LAW: A STUDY OF UNITED STATES DATA PROTECTION, 269 (Michie, 1996).

<sup>6</sup>Supra 1.

indicates that our society is transforming into a panoptic society.<sup>7</sup> This huge information is not collected by any single entity like an individual or an institute only rather the process of collection is done by collecting granules of data by a number of entities. These data segments if interconnected together can produce predictive information about an individual which may cause harm to him. Hence, such a panoptic society can give rise to fundamental challenges to democratic freedom.

The following example shows that how data segments of the information related to a person are collected and stored. Retention of information can prove to be harmful to the data subject. This stored information can be used by the enemies in a way to harm that person. Cell phone users in Switzerland were shocked when they learned on December 28, 1997 that the geographical location of their cell phones was automatically and continuously recorded and stored by their telecom service provider Swisscom which is one of the major telecommunication service provider companies in Switzerland. It is an unavoidable feature of the cellular telephone system that in order to make a call to establish a connection to particular user, the telecommunication service provider has to ascertain the geographical location of the phone with the help of its network. Without ascertaining and recording the geographical location of the phone it is not possible to establish a connection. Even though it is a pure technological matter, this fact can harm the privacy of an individual. The geographical location stored by the service provider can be used to harm that person. It is alarming fact from the privacy point of view. The telecom service provider company used to store the location data for the period 6 months to 18 months.

The above example clearly shows that how the technological advancement leads to the collection and storage of information related to an individual out of his knowledge. The privacy of a consumer was under continuous threat to the data retention done by his service provider. Hence, the data retention can prove to be harmful in absence of any regulation for the disposal of information. This incident is a problem which has been largely overlooked in the privacy

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<sup>7</sup>*Id.*

literature.<sup>8</sup> Most of the privacy advocates focus on the access and control over the information but they simply avoid the issue of data retention.

### **II.I. Information Technology and Data Retention**

The issue of data retention has become more complex in the advanced world of telecommunication. Our society is shifting from the traditional paper-based communication to the electronic communication. In modern electronic communication system, data is retained in huge amount and for indefinite period of time. In the traditional paper-based world, the institutional forgetfulness was being promoted unconsciously because of the cumbersomeness of archiving the information stored in paper-based storage. At that time the data retention was dependent on the availability of storage space and budget of storage. In the modern electronic system storage space has increased tremendously and the cost of storage has been reduced significantly. Electronic mediums are providing remote access which is lowering down the concept of forgetfulness. The world around us is capturing endless data about us but failing to decide properly the duration of retention of that data.

### **III. The Principle of Social Forgetfulness**

Behaviour of a person can be ascertained from the information collected about him. So, when the stored information is lost the behaviour of that person is forgotten. When the data is retained in the storage our behaviour is not forgotten and some social values may get harmed by it. It includes values which are fundamental to the democratic society.<sup>9</sup> In simple words, we have to find out the answer of the question, what are the social implications of lack of social forgetfulness? To answer this question, we have to start the study from the U.S. context. The reason is, in United States, there are very less steps taken against the collection of personal data. The United States has traditionally considers itself as the place where everyone gets 'second chance' to start the new fresh life.<sup>10</sup> The value that Americans give much importance to the opportunity for 'second chance' to start a 'fresh life' can be seen in the American literature on

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<sup>8</sup>*Id.*

<sup>9</sup> *Supra* 1.

<sup>10</sup>*Id.*

privacy. This value can be seen in the current literature as well. Westin and Baker observed in their work *Databanks in Free Society* that, this value of importance to the 'second chance' was under serious attack because of today's computer network. They state;

*"Many citizens assume, out of a variety of religious, humanistic, and psychiatric orientations, that it is socially beneficial to encourage individuals to reform their lives, a process that is impeded when individuals know (or feel) that they will automatically be barred by their past "mistakes" at each of the later "gate-keeping" points of social and economic life. Because the computer is assumed not to lose records, to forward them efficiently to new places and organizations, and to create an appetite in organizations for historically complete records, the computer is seen as threatening this forgiveness principle."*<sup>11</sup>

Furthermore, Westin and Baker brilliantly pointed out after visiting many organisations that the question of erasure or non-circulation of information was not a technical matter in the organisation visited by them. Instead, it was a matter of social policy. The social policy in which society has to choose between the "forgive and forget" and "preserve but evaluate" theories of record keeping in all the fields.<sup>12</sup> Another author Gary Marx has conducted a study on police surveillance practices in U.S. in his study he has unveiled the fact that, the surveillance information available for analysis many years after the fact can be used in completely different interpretive contexts.<sup>13</sup> He further makes the remark that this fact threatens some basic social values. He says:

*"The idea of "starting over" or moving to a new frontier is a powerful concept in American culture. The beliefs that once a debt has been paid to society it is forgotten and that people can change are important American traditions. Americans pride themselves on looking at what a person is today rather than what he may have been in the past. Devices, such as sealed or destroyed records, prohibitions on certain kinds of record keeping, and consent*

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<sup>11</sup> Alan F Westin and Michael A. Baker, *DATABANKS IN A FREE SOCIETY: COMPUTERS, RECORD-KEEPING AND PRIVACY*, 267(Quadrangle Books, 1972).

<sup>12</sup>*Id.*, 268.

<sup>13</sup> Gary T. Marx, *UNDERCOVER: POLICE SURVEILLANCE IN AMERICA*, 223 (1998).

*requirements for the release of information, reflect these concerns. However, with the mass of easily accessible files, one's past is always present, for erroneous or sabotaged data, as well as for debts that have been paid. This can create a class of permanently stigmatized persons.*"<sup>14</sup>

Still it is a question that up to what extent our society has valued the idea of 'second chance'.

This idea has stands beneficial in criminal case of juveniles (explained in detail later in this paper). Unlike Westin, Baker and Marx, Oscar Gandy upholds the value of social forgetfulness in his study of privacy policies in western industrialized societies.<sup>15</sup> He says:

*"The right to be forgotten, to become anonymous, and to make a fresh start by destroying almost all personal information, is as intriguing as it is extreme. It should be possible to call for and to develop relationships in which identification is not required and in which records are not generated. For a variety of reasons, people have left home, changed their identities, and begun their lives again. If the purpose is non-fraudulent, is not an attempt to escape legitimate debts and responsibilities, then the formation of new identities is perfectly consistent with the notions of autonomy I have discussed."*<sup>16</sup>

These learned authors have tried to attract the attention of the society towards the need of starting over. All of them speak in the same direction that one should get an opportunity to forget his past and start a fresh life. All of them have emphasized on the value of social forgetfulness and advocated it for the benefit of the society in different ways. This issue can better be resolved if we consider forgetfulness as social good and not just as individual good.

#### **IV. Need of Social Forgetfulness**

Why our society needs to accept the concept of forgetfulness? Answer of this question can be found in privacy and future life of an individual. Privacy is an individual good and social good as well. Both are strongly tied together and

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<sup>14</sup>*Id.*

<sup>15</sup> Oscar H. Gandy, THE PANOPTIC SORT: A POLITICAL ECONOMY OF PERSONAL INFORMATION, 285, Westview Press, (1993).

<sup>16</sup>*Id.*

cannot be separated. It is now generally accepted that protection of privacy of an individual is essential for his development which ultimately contributes in all over development of the society. Today we are living in a democratic society which stands on foundations of freedom and liberty. Freedom is a fundamental principle of any democracy. This freedom need not necessarily be against social or political slavery only but against anything which an individual wants to get rid of. That can be any incident happened in the past or any act done by him that he wants to forget and move on. An individual cannot develop in the environment where he is constantly under surveillance and record is kept of his each and every activity. An individual needs freedom for his development; freedom from surveillance and any unwanted memory in the past which stands as an impediment in the enjoyment of life. Democracy is harmed when an individual lives under fear. Privacy is essential part the society. This argument includes privacy as a social good as well as privacy as individual good. Privacy is not something essential for an individual only but it is essential for the society because it promotes the development of individuals who collectively form a society. A world where there is no forgetfulness, where every activity of an individual is recorded and never forgotten; is not a world favourable for the development of democratic citizens.<sup>17</sup> In such a world one has to feel disappointed on every wrong done by him because every act is remembered permanently. This does not mean we have to minimize one's accountability. Of course, one is accountable for what he has done. Therefore, adoption of the concept of social forgetfulness should always be balancing with the concept of accountability of an individual. We can consider example juvenile justice to understand the need of social forgetfulness.

#### **IV.I Juvenile Justice**

Juvenile justice is a separate branch of criminal law. As we know, persons below the age of maturity who indulge in a criminal activity are dealt under juvenile justice. This age of maturity varies from country to country. In India this age of maturity is 18 years. Basically, the idea behind juvenile justice is that children who have committed crime should not be treated as adult criminals.

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<sup>17</sup> Supra 1.

Juvenile justice is an issue between delinquent and state. There can be difference in opinions about the approach of the state towards juvenile. Many scholars support the liberal approach because they believe that a misbehaving child can be brought to discipline again. In this system of law is based upon the hope that child can be transformed into a law abiding citizen again. In India, fundamental principles of juvenile justice system have been laid down under Juvenile Justice (Care and Protection of Children) Rules, 2007 in rule 3. Principle XI, XIII and XIV talks about right to privacy and confidentiality, importance of restoration and opportunity of fresh start hence they are relevant for this research. These principles indicate towards the need of social forgetfulness. It won't be possible to restore a delinquent as normal citizen without concept of forgetfulness. Principles of Right to Privacy and Confidentiality given under Principle XI,<sup>18</sup> Repatriation and Restoration under Principle XIII<sup>19</sup> and Concept of fresh start under principle XIV<sup>20</sup> have already been incorporated in Indian legal system. We can see in the above example that the concept of social forgetfulness has been recognised in the juvenile justice policies on juvenile crime records of the U.S. Bankruptcy law points towards tie up of individual interest and social interest. Juveniles are permitted to have new beginning of life beyond their criminal records not only because it is in their interest, but also because society will also get benefited if a juvenile gets transformed into normal law-abiding citizen. Thus, social forgetfulness serves individual as well as social interest.

## V. Modern Threats to Social Forgetfulness

Above discussed examples illustrates the recognition of the social value of forgetfulness. But we have to accept a fact that, in recent decades we can see the scenario opposite to the forgetfulness. This fact is more evident in case of Transaction-Generated Information (TGI). TGI keeps the record of interaction of an individual with organisations or other individuals. In other words this information is collected from the transactions made electronically. These interactions may be telephone calls, purchase of goods, financial transactions or

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<sup>18</sup> Juvenile Justice (Care and Protection of Children) Rules, 2007, (India).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

surfing a particular site. TGI is boosting our capability for social memory. The computerised has raised the social memory to new heights. Today we never forget anything. Almost everything is recorded with the help of computers. Computerisation is proving to be a big threat to social forgetfulness. Some modern threats are discussed below.

### **V.I Data Quantity**

As people are doing more and more activities on electronic and internet networks, more data is being collected in different categories. Initially these activities were limited to telephone calls, financial transactions, credit card purchases etc. Now the list has been extended too long and includes even minor transactions like internet surfing activities, email transactions, shopping, messaging and so on. Information of even smallest transaction is being recorded because of internet.

### **V.II Granules of Information**

As mentioned above the information from small transactions is also recorded now, this information is collected in the form of granules. These granules of information are collected separately from each transaction. For example when a person makes a phone call granules of information like geographical location of the caller, his mobile device, destination phone number, duration of the call etc. are collected. This type of granular collection of information is attracting many organizations for different purposes.

### **V.III Correlation of Information**

When the granules of information are collected from the TGI, these granules can be correlating to each other. Correlating granules can be further assembled together to generate new information. This is like creating collage. Small pieces of picture are connected to create a big picture. Shopping interest, credit card and other financial transactions, browsing history, cell phone details combined together create a digital personality of a person.

### **VI. Future Prediction**

Information collected in big quantity, granularity and correlation combined together leads to discover new information which was never collect in the TGI.

These three factors give rise to the predictability of new or future information. In other such information has a great predictive power. When the data is collected in the pure electronic form, it is very easy to use it for variety of treatments viz. statistical analysis of data, categorisation of data segments, correlating information. All these data treatments are simply aimed at extracting new information from the warehouses of electronic information.<sup>21</sup> When the required information is not available in the required format, techniques like text-analysis software and image-analysis software are used to extract the required information from free flowing text and videos respectively. These technologies may be used for various purposes like marketing and advertisement. This panoptic nature of the society is resulting in the huge data collection practices. These practices are not only collecting a huge amount of data but also increasing persistence of that data which is casting the forgetfulness from our society. In history minor human activities were not a subject of public record but now in today's era they are. In fact, organisations are at high desire to use this retained information as an essential asset for market competition.

## VII. Data Retention Policy

We are collecting and storing data huge amount of data with the help of advanced technology. Now we have made ourselves capable to store the data for infinite period of time but we are falling short to regulate data retention. It won't be in interest of the society if we allow organisations to store data for infinite time and for any purpose without any watch over it. We have partially adopted the data retention policy in case of Juvenile Justice but not in other areas. State should draw a strict data retention policy to restrict floating of information on internet for infinite period of time. The model policy to address data retention cannot be drawn in a single legislation. We have to design different polices for different areas where data retention takes place. We have to adopt comprehensive approach while drawing these policies. This approach can be achieved by designing general principles to define standards of data retention.<sup>22</sup> These general principles can further be implemented in each legislation or use of technology for data retention.

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<sup>21</sup> Supra 1.

<sup>22</sup> *Id.*

### VIII. General Principles of Fair Information Practices

As discussed above, we need a comprehensive data retention policy to regulate the data retention. We can design such comprehensive policy by drawing general principles of fair information practices. Fair Information Practices is a set of principles and practices which provide description about how a democratic society should deal with the storage, handling, management and flow of information. These general principles are aimed at maintaining privacy, safety and fairness in the highly enlarging information environment. These principles are also aimed at implementing information practices in various fields including public sectors and private sector. General principles provide standards for handling, storage, management and flow of the data. Countries that do not have general principles codified in their country need to pay attention to this issue. Countries can take help from the model general principles if any. Is there any model of general principles of fair information practices? Yes there is a model. U.S. and EU have taken initiatives in this direction. U.S. took the first step in formally codifying Fair Information Practices in July, 1973. The Advisory Committee of Secretary of U.S. Government Department of Health, Education and Welfare established in 1972 presented its report on the topic of Automated Personal Data Systems. In this report, committee drafted and recommended The Code of Fair Information Practices in 1973 (CFIP).<sup>23</sup> This code served to fill up the gap in legal system to deal with information practices. This report had put forward some fundamental ideas for protection of privacy. It was stated in the report that, "Safeguards for personal privacy based on our concept of mutuality in record-keeping would require adherence by record-keeping organizations to certain fundamental principles of fair information practice."<sup>24</sup> The Code of Fair Information Practices in 1973 is based on five principles enlisted below;

1. No record-keeping system which records the personal data shall be hidden from public. This principle makes the transparency an essential feature of record keeping.

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<sup>23</sup>U.S. Department of Health, Education and Welfare, SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS, RECORDS, COMPUTERS, AND THE RIGHTS OF CITIZENS 8 (1973).

<sup>24</sup>*Id.*

2. There must be a provision for the subject of the data (a person) to know that what information about him is stored and in what manner it is going to be used.
3. There must be a provision for the subject of the data to prevent the use of information if the information is collected for one purpose and being used for another purpose without his consent.
4. There must be a provision for the subject of the data to make correction or amendment in the record of identification information about that person.
5. All the organizations engaged in the collection, storage, management of identifiable personal information must assure the reliability that the information will not be used for the purpose other than their intended use. Organisations must also assure the prevention of any misuse of information.

A standard has been laid down by these principles that information collected with an intention to be used for one particular purpose cannot be used for other non-intended purpose without the consent of the data subject. These principles are intended to give individuals a right to access and right to make corrections and modification in the information about them. EU Directive also provides for the general principles. In fact, EU Directive promotes development of general principles fair information practices. However, it is not difficult to notice that CFIP does not express the issue of Data Retention, though this issue has been expressly addressed in EU Directive. Apart from U.S. and EU, Bennett and Grant have discovered similar set of principle of fair information practices.<sup>25</sup> According to these authors, general principle have already achieved large international consensus for fair information practices.<sup>26</sup> Principles in EU Directive expressly say that the collected information should be retained “for no longer than necessary.”<sup>27</sup> It can be argued here that, standards laid down by these principles are too general in nature and their enforceability is very less. However, it should be understood that these standards alone do not construct a

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<sup>25</sup> Colin J. Bennett and Rebecca Grant, VISIONS OF PRIVACY: POLICY CHOICES FOR THE DIGITAL AGE, 156, University of Toronto Press,(1999).

<sup>26</sup>*Id.*

<sup>27</sup> European Union Directive, 1995; Art. 6 (c).

comprehensive information policy. These standards can be used to construct a good comprehensive information policy. These standards provide us a direction of path on which we have to walk to regulate processes related to information. Further we have to understand that these standards can have exceptions too. There can be certain category of records which needs to be treated separately. Exceptions may include records related to national security, records of relations with foreign country. Standards laid down by general principles keep the burden of proof on the party which intends to use the data in a non-standard way. In today's environment, the burden of proof is on other side. Today, information including personal information can be used any possible way unless there is a reason to restrict the use. U.S. and EU have adopted standards of general principles for the regulation of information and other countries should also take steps in this area as soon as possible.

#### **IX. Social Forgetfulness and Legislation**

Use and retention of information must be addressed by the legislation. The case studies of Juvenile Justice and Bankruptcy Law discussed earlier put forward good examples of legislation which addresses the issue of data retention and social forgetfulness. In these cases, the legislations were not comprehensive in broad sense. Rather they were limited to a specific field only. Juvenile Justice Law and Bankruptcy Law have provided rules and standards in a specific field. We need to enhance this idea to other fields also to design a comprehensive policy for information. Legislation in above cases has laid down treatment of records in their domain, so they can be used for drawing an information policy. Thus, legislation can be and should be used to provide protection to the value of social forgetfulness but legislation alone cannot serve the purpose, social awareness should also be there to serve the purpose in parallel way.

#### **X. Cyber World**

The worldwide computer network has altered our traditional paper based communication and in upcoming years we would experience even more advanced ways of communications. The emergence of worldwide

interconnection of computers where internet is used as a medium of connection has created a new world which can be called as cyber world. Basically, the word *Cyber* was originated in 1980s. Oxford dictionary defines the term cyber as 'Relating to or characteristic of the culture of computer, information technology and virtual reality'. Hence in simple language we can define cyber world as the world where computers and internet is used. Researcher has taken up the cyber world as main area of research and the focus is mainly on Indian perspective. In cyber world, we are empowered to store, access, transmit and process huge amount of data in the digital form. The development of internet started few decades ago has initiated the development of cyber world.

### **X.I Concept of Right to be forgotten in Cyber World**

This is concept initially introduced in European countries. This concept proposes to give the negative right to citizens in a way to protect their privacy in internet. This right will enable people to demand the erasure of the information related to them which is in possession of someone else. This demand for erasure of information can be made that information is proving to be harmful to its subject and if there is no larger public interest attached to that information. Right to be forgotten is simply a right to erase the information. It has some connections with privacy law and data protection. Right to be forgotten is a proposed legal right and it has a value worthy of getting legally protected. It is an idea which enables an individual to demand the erasure information related to him or her. The right to be forgotten has a social value which should be provided a legal protection.<sup>28</sup>

### **XII. Conclusion**

We have to understand the value of social forgetfulness for understanding the crux of right to be forgotten. The concept of right to be forgotten is completely depended upon the acceptance of value of social forgetfulness by the society. We are losing the value of social forgetfulness in the new era of internet because internet records everything and forgets nothing. Remembrance is not always

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<sup>28</sup>Jean-Francois Blancette& Deborah G. Johnson, DATA RETENTION AND THE PANOPTIC SOCIETY: THE SOCIAL BENEFITS OF FORGETFULNESS, 18, THE INFORMATION SOCIETY (1998).

beneficial and in some situations excessive and unregulated remembrance can prove to be harmful to the future development of an individual and society at large. Internet and development in storage technology has given rise to the issue of data retention. Right to be forgotten is directly connected to the issue of data retention because this right can be claimed against the stored data only. Therefore, data retention needs to be regulated by the government. It would not be sensible to allow the storage of information for indefinite period of time because data retention in information technology threatens privacy of an individual. In the traditional paper-based communication era of 1970s and 1980s, more focus was on collection of information and not on the storage of information. The reason being behind this fact was lack of development in storage technology. But today, we have moved much forward and situation has been significantly changed. Due to usage of internet and advancement in storage technology, huge amount of data is being collected every day from internet network and from various sources around the world. Advanced technology has increased our capability to store unlimited data. This is why we need to regulate the data retention. Today, our society needs to accept the idea of social forgetfulness. In Juvenile Justice and Bankruptcy Law, we can figure out the acceptance to the idea of social forgetfulness up to some extent. Juvenile justice system in India has a provision for erasure of past records of juvenile. This is nothing but acceptance to forgetfulness. But this acceptance is limited to Juvenile Justice and Bankruptcy Law. We should work to spread this acceptance into other fields also by designing a comprehensive policy for data retention.

Transaction-Generated Information is one of the modern threats to social forgetfulness. We are now keeping record of even minor interaction of an individual which can prove harmful to the future development of an individual. To overcome this problem, we have to design an adequate Data Retention Policy to regulate process related to information like collection, handling and storage. We also have to formulate general principles of fair information practices. Unites States and European Union have taken initiatives in forming these principles. Other countries should follow them footprints for the better information age. Moreover, legislation should come forward to protect the social forgetfulness. However, legislation alone will not serve the purpose. Our society will have to accept the idea of social forgetfulness and forgiveness in a way to

give opportunity of “fresh start” of life. Need of right to be forgotten in cyber world is more than in traditional paper-based world. Cyber world needs to be equipped with a modern concept of right to be forgotten because cyber world is an environment where internet is used and internet forgets nothing. Concept of right to be forgotten has already been introduced into practice in EU and India should also recognise it for better regulation of cyber world.