Chapter 2
Internet Identity and the Right to be Forgotten:
International Trends and Regulatory Perspectives

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ABSTRACT:

In this chapter, the analysis will focus on the concept of digital identity which is evolving and changing, based on the experiences that every individual lives. The chapter further highlights how the digital identity includes the fundamental human rights such as the right to a name, the right of reply, the right to protection of personal data and the right to an image. In translating the right to personal identity to our digitalized era, with its massive use of social networks, we have added to the related decalogue of rights the right to oblivion, equally called right to be forgotten. Given the complexity of the subject, the chapter develops an analysis of the actual international regulatory trends.

1. PRELIMINARY CONSIDERATIONS

The reflections that follow come from an overall view, the key issue in, on difficulties to identify what the right digital identity. Finding tiring and complex because of the difficulty to get to know the instrument in question; then that is itself the reason for the existence of this new law. After trying to define this right you will go to a careful and detailed analysis of one of the consequences that flow from it: the right to be forgotten. As we known, Internet is a strategic driver for the Information Society, designed by the European Community (EC), the objectives of social inclu-

sion and participation, having implications on the very essence of the individual, stimulate the development of new theories regarding personal identity on the Web. In fact, the advent of the Internet has meant a revolution for the contemporary era, having given rise to an impressive series of changes in social life and, above all, in terms of social relations. If the use of the network was merely associated, some time ago, with website browsing in order to acquire information, now this common approach has radically changed.

Internet is no longer a conglomeration of websites independent of one another, but must be considered as a combination of technological capabilities reached by man in the dissemination and sharing of information as regards general knowledge. We can look to the Internet as an environment that enables a user to experience new forms of contact, relationship and personal expression, such as through the social networks, which have become not just beaches for curious tourists passing through, but a habitat in constant expansion. In this way, the digital media have become contexts of the utilisation of information, as well as alternative spaces to daily reality for the use of a great range of services. Their introduction has redefined the concepts of space and time and now reflects the very essence of the individual.

The goal, then, would be to put the e-individual at the center of the information society in order to avoid/limit their exclusion from the technological evolution, proposing models of interaction and use capable of guaranteeing universal access to content and services offered over Internet.

If it is true that the Internet stands as the greatest instrument of social inclusion, it is also true that sollava inievitabilmente profiles problematic about the very nature of the individual. The technology change our habits and our lives, but in the face of the many benefits accruing from the application of these new techniques are beginning to manifest "special situations" defined by some authors as psychotechnologies. The use of new equipment interacts with our psychic apparatus

and for the first time in the history of mankind, man has invented a device that forces him to adapt to "his" way of "thinking"; the use of the personal computer requires a real mental adaptation to its operation and consequently pushes the subject to adjust their cognitive functions to operation of the machine. The use of the network and the various applications is able to determine an expansion and a wrong perception of the boundaries of the self. Caught in the vortex of social relations, desperately divide our limited attention, allowing fragments of our consciousness to every person or thing that requires our time. In doing so, we risk losing slowly in the network of our identity.

Internet was celebrated as the site of a utopian social space where age, gender and ethnicity would be infinitely re-writable, allowing the subject to experience postmodern forms of identity fluid and multiple. In the social web, where social processes are organized right on the network, users have the opportunity to express themselves and expose themselves. The widespread use and importance of social networks has shifted so the online identity to a more real, blurring the boundaries between online and offline. It should, however, from a fundamental question: what is digital identity? It is defined as the identity consists of a user at the online virtual communities, often of a playful, focused on a virtual dimension, as opposed to the real one. Real and virtual are not in opposition, they are not good and the bad, the positive and the dangerous, the safe and the uncertain, but two types of experiences, modeling, knowledge of different realities. Digital identity has subsequently adopted a more general meaning of social identity, which the user sets on the Internet, becoming synonymous with the online identity. While some people use their real names digital identity, others prefer to remain anonymous, identifying themselves by means of pseudonyms. The term avatar, which is used just to indicate a size of digital imagery, in which a user provides a fantastic representation of itself, is also of type visual.

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