

SOP Title Reference: **DataPortabilityProcedure**

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# **Information Services Policies and Procedures**

## **Data Portability Request Procedure**

Handling requests regarding personal data portability

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# 1. Scope

Under the GDPR individuals have the right to request that a copy of their information be made available in a structured, commonly used and machine-readable format for the purposes of transferring it directly to another data controller. This is known as the right of portability.

The right of portability does not apply to all processing activities though, and there will be certain situations where the University will not be required to provide the data in response to a portability request.

1.1 The 'right of portability' will apply where:

- the processing is based on either consent or on a contract; and
- the processing is being carried out by automated means, i.e. the processing is electronic as opposed to manual, paper-based files

1.2 The 'right of portability' will not apply where:

- the lawful basis for the processing is not either consent or a contract
- the personal data has been provided through a third party rather than by the data subject themselves, e.g. student data provided by UCAS
- the personal data is not held electronically

This right is not limited to data the individual has actively provided to SGUL, but will also include data gathered through the monitoring of activities, e.g. website or search history data on a computer.

This policy applies to requests from individuals regarding personal data SGUL processes about them and for which the University is the data controller.

# 2. Responsibilities

The Data Protection Officer is responsible for providing guidance on the handling of data portability requests received by the University.

Requests may be dealt with by appropriate staff in any part of the University, subject to their following this guidance.

The Data Protection Officer is also responsible for ensuring this procedure is routinely reviewed and will report back to the Senior Information Risk Owner (SIRO) on any relevant issues.

# 3. Procedure

3.1 Requests can be directed to any member of SGUL staff anywhere within the University.

- 3.2 Requests can be made verbally, either in person or via telephone, or they can be made in writing, e.g. by email. However, it is strongly recommended that the individual submits their request in writing to ensure there is a clear documented record of the request and an audit trail of when and to whom it was submitted.
- 3.3 Requesters will be asked to provide details of all the data they would like copied or otherwise transferred from our systems.
- 3.4 Requesters will be required to provide some form of photographic 'proof of identity', for example a passport or driving license, or for current members of the University their SGUL student / staff ID.
- 3.5 Requests will be completed 'without undue delay' and within one month of receipt.
  - 3.5.1 Where requests are 'complex' or 'numerous' the above period of compliance may be extended by a further 2 months, for example requests involving locating information from multiple sources or where the request is one of a series of requests from the same requester. In such instances the requester will be advised of the extension within the initial one month period, and the reason for the extension clearly explained.
- 3.6 In processing a data portability request the SGUL staff member responsible for that request will:
  - record the details of the request
  - verify that there are grounds for the request (as section 1.1, 1.2)
  - identify all the relevant locations within the University that the data is located
  - identify any external service providers / suppliers and partner organisations where the requested data is located
  - ensure that copies of information are provided in a commonly used machine-readable format, e.g. CSV file
  - send the data either to the requester or to the relevant organisation as specified by the requester
  - record confirmation of the completion of the request
- 3.7 There will be no charge for processing a portability request.
- 3.8 Where the request is manifestly unfounded or excessive the University may decide to:
  - 3.8.1 Charge a fee based on basic admin costs involved in complying with the request.
  - 3.8.2 Refuse to deal with the request
- 3.9 Where the University refuses to process a request the requester will be informed of the justification for the decision in a timely manner.

## **4. Complaints**

- 4.1 Individuals are encouraged to direct complaints regarding the handling of their request to the Data Protection Officer in the first instance, who will investigate.
- 4.2 However, if the individual prefers, or if they are unhappy with the outcome of the University's own investigation, they can direct their complaint to the ICO.

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