

Data Portability Procedure

1. Scope of the Procedure

1.1 Purpose of the Procedure

Compliance with this procedure is required to ensure the University's compliance with data protection law and particularly the General Data Protection Regulation (EU) 2016/679, which gives data subjects the right to obtain their data in a structured, commonly used electronic format so that it can be transferred between organisations. Failure to comply with this legislation can result in financial penalties being levied against the University.

This procedure should be read in conjunction with the University's Data Protection Policy.

1.2 What is covered by the Procedure

This procedure must be followed in cases where a data subject asks for copies of their personal data to be transferred electronically to another organisation.

1.3 Who is covered by the Procedure

All those who access personal data held by the University, including staff, must familiarise themselves with this procedure and comply with it when dealing with personal data.

Failure to comply with the procedure will be dealt with in accordance with the Data Protection Policy and may involve disciplinary action.

2. Detailed Procedures Statement

2.1 Any request to provide a data subject with their personal data in accordance with data portability provisions of the GDPR should be notified immediately to the Compliance Officer (dp_officer@aston.ac.uk), who will log the request.

2.2 The Compliance Officer will assess (a) the request meets the validity criteria set out in the GDPR, and (b) whether complying with the request would infringe the rights of any other person.

2.3 Where the identity of the person making the request is in doubt, they may be asked to provide proof of identity, for example, a passport or driving licence. This must be done without undue delay and within one month of the original request.

2.4 If the request is legally actionable by the University, the Compliance Officer will contact the relevant data processor to ascertain how the data can be transferred, and the request will be actioned. If complying with the request would disclose a third party's personal data, the Compliance Officer in consultation with the relevant data processor will ascertain whether this can be removed in such a way as to allow the request to be met.

2.5 If the data subject requests it and provided the request is legally actionable, the University will transmit the data directly to another organisation if this is technically feasible.

2.6 The Compliance Officer will notify the data subject either (a) that their request is being actioned, or (b) that the request cannot be met, with reasons. The data subject will be informed of their right to make a complaint to the Information Commissioner's Office or another supervisory authority and their ability to seek to enforce their rights through a judicial remedy. If the data subject has requested that their data be transmitted directly to another

organisation, they will be informed of whether this is possible and the reasons for this decision. The data subject will be informed without undue delay and within one month of receipt of their request.

2.7 The Compliance Officer may, with the approval of the Head of Legal Services, decide to treat the request as manifestly unfounded or excessive and to either (a) request a reasonable fee to deal with the request, or (b) refuse to deal with the request. In either case this decision will be communicated to the data subject, with reasons. The data subject will be informed without undue delay and within one month of receipt of their request.

2.8 All communications and decisions will be logged by the Compliance Officer.

3. **Version Control**

Reference Number	Version Letter	Executive Sponsor	Officer Responsible for Policy/ Procedures	Consultation Process	Date of Approval and Committee and/or Executive Officer	Effective Date
DPP001	1	Chief Financial Officer	Head of Legal Services	GDPR Working Party	30 April 2018	24 May 2018