

Personal 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 Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 ("the UK GDPR") ("the data protection laws", which give data subjects the right to obtain their personal 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 Privacy 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 Privacy 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 data protection laws ("Data Portability Request") should be notified immediately to the Data Protection Officer at dp_officer@aston.ac.uk.

2.2 The Data Protection Officer (or their nominee) will assess (a) the Data Portability Request meets the validity criteria set out in the data protection laws, and (b) whether complying with the Data Portability Request would infringe the rights of any other person.

2.3 It may be that the data subject is required to provide proof of identity. The University will not be able to process the Data Portability Request if the data subject fails to provide proof of identity for whatsoever reason.

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

2.5 The data subject has a right of appeal in relation to the outcome of the Data Portability Request. If the data subject remains dissatisfied of the outcome of the appeal, the data subject will have the 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. The University will inform the data subject of this right without undue delay and within one month of receipt of their Data Portability Request.

2.6 If the data subject requests it and provided the Data Portability Request is legally actionable, the University will transmit the personal data directly to another organisation if this is technically feasible.

2.7 The Data Protection Officer (or their nominee) will notify the data subject of the outcome of the Personal Data Portability Request. The outcome notification will state that on the basis of the information provided by the data subject in the Personal Data Portability Request that either:

- their Data Portability Request is being actioned, or
- the Data Portability Request cannot be met, with reasons.

2.8 If the data subject has requested that their personal 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 Data Portability Request.

2.9 The Data Protection Officer may decide to treat the Personal Data Portability Request as manifestly unfounded or excessive and to either:

- request a reasonable fee to deal with the Personal Data Portability Request, or
- refuse to process the Personal Data Portability Request in accordance with the University's statutory rights.

In either case this will be communicated to the data subject in accordance with the law. The data subject will be informed without undue delay and within one month of receipt of their Personal Data Portability Request.

2.10 The Data Protection Officer (or their nominee) records Data Portability Requests and their outcomes on the Register of Personal Data Portability Requests.

3. **Version Control**

Reference No.	Version	Executive Sponsor	Officer Responsible	Consultation Process	Effective Date
DPP001	1	Chief Financial Officer	Head of Legal Services	GDPR Working Party	24 May 2018
DP001	1.1	Chief Operating Officer	General Counsel	Chief Operating Officer	1 February 2019
DP001	1.2	Chief Operating Officer	General Counsel	Information Security & Compliance Group	February 2021