

Baginton Parish Council

Data Portability Policy

Introduction

Under General Data Protection Regulation (GDPR) rules, data subjects (individuals) have the right to request their personal data to be transmitted either to them, or an authorised third party, in a structured, commonly used and machine readable format.

Common examples of this include the following: -

1. The right to have your current bank account spending records transmitted to a third party in a structured, commonly used and machine readable format so that the third party can easily upload the data and analyse your spending habits and provide information to help you budget.
2. The right to have a summary of your utility bill payments and usage records sent from your current provider to an alternative supplier in a structured, commonly used and machine readable format, so that the alternative supplier can readily upload the data and determine if they can offer you a better deal.
3. The right to have a summary of your annual purchases sent back to an individual at the end of the financial year in a structured, commonly used and machine readable format that can easily be integrated within the individual's Accounts and Tax Return software.

The right to data portability only exists in relation to that data held by the controller (the person who generates the information). Processors (the ones who use the data) have no obligation towards portability.

In Example 1 above, the bank is the controller (the one who generates the bank records) and the third party is the processor (the one who uses the bank's data to produce a budget). The processor has no obligation to provide data portability.

The right to portability also only exists if specific consent is received from the individual concerned, or if the portability is an essential requirement to fulfil a formal contract.

Finally, the right to portability only exists where the recipient has automated processing systems in place that would benefit from a structured format file. If the recipient is not able to upload the data file directly, then there are no benefits in providing the data in that format. Indeed, it may be irresponsible to produce a file in that format if it is not needed.

Baginton Parish Council

It is very unlikely that the Council will receive data portability requests.

The personal data held as a controller is very limited and not likely to be requested.

Examples pertinent to the Parish Council could include a Parish Council Officer requesting their salary records in a format suitable for integration into a HMRC Self Assessment Tax Return; or the tenant of the Smithy Forge requesting their rent payment history in a format compatible with VAT126 software.

Should a Data Portability Request be received, the Parish Council has 1 month to comply.

- The Parish Council will establish if they are the controller of the data and contact the applicant if they are not.
- The Parish Council will seek to ensure the individual has the right to request the portability of data.
- The Parish Council will seek to ensure they have the correct consents for portability of data.

- The Parish Council will seek to ensure that the recipient has the correct automated systems in place to receive portable data files.

Where appropriate, the Parish Council will also seek to establish if portability of data is the most appropriate action for the individual's needs, or whether a more bespoke approach would be beneficial to the individual e.g. if the tenant of the Smithy Forge is looking to lease another property elsewhere, they may require their rental history to be sent to the prospective landlord. In this case, a personal letter endorsed by the Parish Council may be more helpful than the data alone.

Data Portability Solutions

Should data portability be required, the data will be produced in an Excel Spreadsheet and sent as a .CSV file.

It may be necessary for the .CSV file to be held within a password protected .ZIP file.

In this instance, the .ZIP file would be sent to the authorised third party and the password sent to the applicant. The applicant would then need to contact the third party to authorise access to their personal data by providing them with the password to unlock the .ZIP file.