



## Chicks Data portability requests Policy

### 1 Introduction

1.1 CHICKS holds personal data (or information) about candidates, employees, trainees, clients, suppliers, business contacts and other individuals for a variety of business purposes.

1.2 Under the General Data Protection Regulation (GDPR), individuals (known as 'data subjects') have the right to obtain from CHICKS the portability of personal data concerning him or her. CHICKS shall have the obligation to comply with this request of the data subject that he or she shall receive the personal data concerning him or her, which he or she has provided to CHICKS, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from CHICKS, where:

- a) The processing is by consent or pursuant to a contract; and
- b) The processing is carried out by automated means.

1.3 The data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

1.4 The right to data portability shall not adversely affect the rights and freedoms of others. This means that we cannot transfer the data if it contains the data of another person.

1.5 The Data Protection Officer is responsible for ensuring:

1.5.1 that all portability requests are dealt with in accordance with the GDPR; and

1.5.2 that all staff have an understanding of the GDPR in relation to portability requests and their personal responsibilities in complying with the relevant aspects of the GDPR.

1.4 This policy provides guidance for staff members on how portability requests should be handled and is intended for internal use. It is not a

privacy policy or statement and is not to be made routinely available to third parties.

- 1.5 This policy is aimed primarily at those members of staff who are authorised to handle portability requests. For other staff members, it provides guidance on what to do if you receive a portability request.
- 1.6 Failure to comply with the GDPR puts both staff and CHICKS at risk, and so CHICKS takes compliance with this policy very seriously. Failure to comply with any requirement of the policy may lead to disciplinary action, which may result in dismissal.
- 1.7 If you have any questions regarding this policy, please contact the DPO.

## 2 **Receiving a portability request (non-authorised staff)**

- 2.1 If you receive a portability request and you are not authorised to handle it, you must immediately take the steps set out in paragraphs 2.2 (request received by email) or 2.3 (request received by letter). We must respond to a request without undue delay. A lengthy delay could lead to enforcement action by the Information Commissioner and/or legal action by the affected individual.
- 2.2 If you receive a portability request by e-mail, you must immediately forward the request to the DPO at this e-mail address: [DPO@chicks.org.uk](mailto:DPO@chicks.org.uk).
- 2.3 If you receive a portability request by letter you must:
  - 2.4.1 scan the letter;
  - 2.4.2 send the original to the Data Protection Officer at this address: Moorland Retreat, Bonnaford, Brentor, Tavistock, PL19 0LX and
  - 2.4.3 send a scanned copy of the letter to this e-mail address: [DPO@chicks.org.uk](mailto:DPO@chicks.org.uk).
- 2.4 You will receive confirmation when the request has been received by the DPO. If you do not receive such confirmation, you should contact the DPO to confirm safe receipt.
- 2.5 You must not take any other action in relation to the request unless the DPO has authorised you to do so.

### **3 Requirements for a request**

3.1 We prefer a portability request to be in writing but this is not always required. The staff member taking the request must use their best judgment as to whether the request needs to be in writing. If in doubt, request it in writing.

3.2. Requests that should be in writing include anything that might be contentious, such as HR issues.

### **5 Time limit for responding to a request**

Once a portability request is received, we must comply without undue delay.

### **6 Assessment of a portability request**

The staff member assessing the request will authorize the portability of the personal data where:

- a) The processing is by consent or pursuant to a contract;
- b) The processing is carried out by automated means; and
- c) The data does not contain the personal data of other individuals.

### **7 Consequences of failing to comply with a request**

If we fail to comply with a portability request, we may be in breach of the GDPR. This may have several consequences:

7.1 the individual may complain to the Information Commissioner and this may lead the Commissioner to investigate the complaint. If we are found to be in breach, enforcement action could follow (which could include monetary penalties);

7.2 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR, he or she may take us to court and claim damages from us; and/or

7.3 a court may order us to comply with the portability request if we are found not to have complied with our obligations under the GDPR.