Case Studies: Data Portability in the Philippines Data Protection Act and in the new EU General Data Protection Regulation

Purpose: Information
Submitted by: New Zealand
IV. A SELECTION OF NEXT GENERATION PRIVACY ISSUES – POLICY DISCUSSION – DATA PORTABILITY

Case studies: Data portability in the Philippines Data Protection Act and in the new EU General Data Protection Regulation

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Policy Objectives

Policy objectives inferred from EU preamble:

• To strengthen individual control over his or her own data.
• To encourage data controllers to develop inter-operable formats.
• To enable the data subject to have data transmitted directly from controller to controller

Strengthen privacy rights + promote competition
Right to data portability
scope

- Focused upon information that is:
  - Held by data controller
  - Being processed
  - Structured
  - Commonly used format
  - Machine readable (PH: electronic) format
  - (Additional EU limit: only data provided by subject)

Right to data portability
Data subject entitlements

- To “obtain” or “receive” data
- PH: To obtain the data in a form that “allows for further use”
- EU: To be allowed “without hindrance” to transmit the data to another processor
- EU: To have the controller transmit the data directly to another processor