

**ELA'S PORTABILITY PROCEDURE****1. Scope**

This procedure applies where a data subject exercises its right to data portability and requests Epure, Lizac si Asociatii SCA ("ELA") to transfer his/her data to other data controllers.

Under GDPR, data subjects are entitled to ask:

- For a copy of the personal data they have provided to ELA (the right of access), and
- For the transmission of his/her data by ELA to another data controller.

Within the scope of this procedure is any personal data which:

- was provided by the data subject to the data controller knowingly and actively, and
- has been processed through automated means, and
- has been processed on the basis of the data subject's consent or pursuant to a contract to which the data subject is a party.

This procedure will most commonly be used when transmitting data directly to another data controller.

**2. Responsibilities**

- 2.1 ELA, as personal data controller or processor, is responsible for transmitting such data without hindrance and shall ensure that it is transmitted with the appropriate level of security (with encryption). ELA should assess the specific risks linked with data portability and take appropriate risk mitigation measures.
- 2.2 The Managing Partner ("MP") of ELA is responsible for the application and effective working of this procedure.

**3. Procedure**

- 3.1 ELA will inform data subjects of the existence of the new right to portability at the time where personal data is obtained.
- 3.2 Any request is immediately forwarded to the MP to ensure that the requested data is provided/transmitted within the timeframe noted in 3.10 below.
- 3.3 ELA shall choose the appropriate manner of identification of the requesting data subject (identity card, driver's licence, etc.).
- 3.4 Where the data requested concerns a third party(es), the MP reviews whether or not transmitting data to another data controller would cause harm to the rights and freedoms of other data subjects.
- 3.5 The data subject identifies the personal data that is to be transmitted or provided for their own use.

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- 3.6 The MP shall maintain a record of requests for data portability and of its receipt, including dates of their receipt.
- 3.7 ELA has set safeguards that ensure the personal data transmitted are only those that the data subject has requested to be transmitted.
- 3.8 The requested information is provided to the data subject in structured, commonly used and machine readable format that allows for the effective re-use of the data.
- 3.9 When transmitting data to another data controller, ELA will forward the data in an interoperable format. In the event that technical impediments prohibit direct transmission, ELA shall explain these impediments to the data subject(s).
- 3.10 ELA shall provide the requested information within one month from the request date. If the request is complex, ELA can extend this time frame to (maximum) three months but shall inform the data subject of the reasons for the delay via e-mail within one month of the original request.

#### **4. Receiving personal data**

ELA will not by default accept and process personal data received from another data controller following a personal data portability request nor does it retain all the data received, but only accepts and retains data that is necessary and relevant to the services it provides.

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#### ***Document Owner and Approval***

The Managing Partner is the owner of this document and shall ensure that it is kept up to date. A current version of this document is available to all members of staff on ELA's website on page "Data Protection", section "Policies & Procedures". This policy was approved by Decision of Partners on 15.02.2018 and is issued under the signature of the Managing Partner.

Signature: Doru Epure – Managing Partner

Date: 15.02.2018