

From: [REDACTED]
Sent: Saturday, December 31, 2016 2:37 AM
To: JUST ARTICLE29WP SEC; presidenceg29@cnil.fr
Subject: Comment on "Guideline on the right to data portability" ART29DPWP

Dear Ladies and Gentleman,

on the WP29 web site on

http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=50083

you are publishing drafts on various GDPR topics including the
"Guideline on the right to data portability" (16/EN WP242).

I want to take your invitation to provide feedback:

Comment 1 - Maybe you can add this to the FAQ or expand the Guideline a bit (I understand it is a complicated topic and not easy to answer with generalisations, but the current example feels a bit like its hanging in the air. And the topic of data ownership is not a new topic:

On Page 9 you construct the example of a web mail service with user-maintained directory (address book). When exporting this for data transportation the question is indeed, what about the rights of other persons in that directory:

- # For example, a webmail service may allow
- # the creation of a directory of a data subject's
- # contacts, friends, relatives, family and broader environment.

This is a very typical example, this kind of address books do not only apply to webmail providers, but all kind of social (and business) networks. It is good that your example actually talks about the directory.

Typically for a social service much of the power and usefulness of those directories is by the fact, that the data is actually not entered, but voluntarily shared by the other persons, effectively they complete the business cards you see.

However unfortunately the example only goes on to explain the exchanged mails(+meta data headers) (or bank transactions) can clearly be exported:

- # data controllers should transmit
- # the entire directory of incoming and outgoing
- # e-mails to the data subject.

I think the "enriched profiles" is more interesting to talk about when starting the example with "creation of directory".

Typically person 'B' (if also user of the service) can "share" their

contact details with 'A' after 'A' only knows the email address or phone number. 'A's directory/address book has a very complete and updated "business card". That's the most valuable information from transport point of view. But the guideline is not very focused on this type of information. For example of the data processor should in addition to asking for share-permission also ask for export permissions (maybe even whitelists for other services).

Comment 2 - As currently the canonical web pages are not yet established (or at least it is not clear to me where one would find the collected recommendations and guidelines (especially for approved data formats) it would be good to mention where to look for (or at least at what time the new web page of the EDP Board which might publish this) goes online.

Greetings

Germany.