

From: [REDACTED]
Sent: Friday, December 16, 2016 12:50 PM
To: JUST ARTICLE29WP SEC; presidenceg29@cnil.fr
Subject: Comments on Guidelines on the right to "data portability"

Dear Sir\Madam,

I've been reading the PDF referred to on this page and I have some thoughts:

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

http://ec.europa.eu/information_society/newsroom/image/document/2016-51/wp242_en_40852.pdf

Introduction

I am the technical co-founder of a SaaS company, we are now turning over around £1million and employ 15 people. There are 3 full time developers. Therefore, the technical implications of data portability are high on my agenda.

Concerns

Please don't take these as an indication that I'm against the principles of the legislation, they are merely "how an earth are we supposed to make this work".

The practicalities of data portability. I can see how moving simple data between systems that do the same thing would be straight forward (though still not easy). Bank account transactions and telephone records are excellent examples. The organisations are all doing the same thing. The data, once recorded is never altered. It's not really rich data - it's an audit trail, or transaction history.

The population of services between which you would expect to move your data, from bank to bank, is well defined. The technical resources available to these large organisations is big enough to cope.

It is not sufficient to require "in a structured, commonly used and machine-readable format". For example **Bank A** may define a structured format for a bank account transaction like this, this is a contrived example in something called JSON (see http://www.w3schools.com/js/js_json_intro.asp):

```
{
  "date": "2017-04-
23T18:25:43.511Z",
  "description": "Paid the electricity bill"
}
```

// This just one way to represent a machine-readable date

Bank A would be able to meet its obligations under the legislation. However **Bank B** may have chosen a different format:

```
{
  "date":
  "\\Date(1335205592410)\\",
}
```

// This the Microsoft way to represent a machine-readable date

```
"title": "Paid the electricity bill"
}
```

Bank B will not be able to import this data out of the box. These are the issues:

- There is no obligation on **Bank B** to accept this incoming format.
- It is not feasible for **Bank B** to alter its systems, within the timeframes proscribed by the legislation.
- It may not be possible for **Bank B** to translate this data into a structure that fits the way **Bank B's** data architecture works.
- There are considerably more than 2 banks. Interoperability is going to be a *nightmare*.

Cue frustrated consumers.

You would hope that the banks would get together to standardise on a common format for transferring bank statements - that's laudable goal.

It's a wider issue than that though.

- Bank transactions are comparatively easy. A bank is a bank. Would you expect to be able to move data between your Bank and Facebook? The legislation implies that you have the right to, but plainly it makes no sense.

But what about Facebook and Google+? They are both social networks, but they are not similar enough. So where's the boundary? What's a reasonable level of compatibility between systems like this?

In these cases, I would expect only the user's personal information to come across and nothing else. But even that assumes a standard data format.

More importantly how do we meet user expectations.

The guidelines are a great start but it's the developers that need to understand this, because we're going to build the systems.

My final concerns.

- These tasks are a massive technical burden for a software development team to take on. There's no feasible way that a small development team is going to be able to take on this extra development load - especially when it may never get used by customers. I have 3 developers at my disposal, they don't have capacity, in time or 'head space' to solve these issues. Plus we're too small to have any influence over the specifications.

We'll have the legislative burden of exporting the data - but no-one will support our format for importing. We can't wait to support someone else's format because we have the same deadlines as everyone else.

- How does this translate to business related systems and my employment? Are my HR records in scope? My training records? I would actually like this to happen but that's not a small challenge either.
- It's not clear what you want us to do. The requirements are not specific enough (see suggestions) for us to write code - who are we going to export our data to? Our competitors? - are they really going to talk to us?

Suggestions

It would be wrong to be critical without offering up some solutions:

- Limit the scope of data portability to certain industries that have the capacity to scope and learn lessons from it. Then widen it to other scenarios, if required. Once the eco system matures other systems, such as our own, will willingly feed off this data sharing.
- Define some data structures, and don't reinvent the wheel, recommend existing specifications to speed up adoption. **There should at the very least be a standard for basic data about a person.** But **PLEASE KEEP IT SIMPLE** - if the documentation is impenetrable then adoption will be poor and confusion will reign. Get Microsoft, Facebook and Google on board - they do this well.
- This almost needs to go to a different standards body to define the interoperability specifications in more detail so that we have something concrete to work with - **a direction we can take action on.**

I do hope that's useful feedback!

Best regards,

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LIMITING THE SCOPE OF DATA PORTABILITY

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